

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

6 MAY 2003

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Penny Pruitt, employee in the Police Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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Councilmember Gatten introduced and read into the minutes, a resolution honoring the memory of the late Hubert B. (Hugh) Humphrey, Jr. She recognized family members, friends and business associates who were present for the recognition and presented copies of the resolution to Mrs. Hubert B. Humphrey, Jr.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

91-03 RESOLUTION HONORING THE MEMORY OF THE LATE HUBERT B. (HUGH) HUMPHREY, JR.

WHEREAS, on March 18, 2003, this community lost one of its outstanding community leaders with the death of Hubert B. (Hugh) Humphrey, Jr.;

WHEREAS, he graduated in 1948 from Wake Forest University, where he was a member of Phi Beta Kappa and Omicron Delta Kappa;

WHEREAS, Hugh attended the Law School of the University of North Carolina at Chapel Hill, where he served as Editor-in-Chief of the North Carolina Law Review and President of his class;

WHEREAS, upon graduation from Law School, Hugh became Law Clerk to the Honorable John J. Parker, Chief Judge of the United States Court of Appeals for the Fourth Circuit;

WHEREAS, during the Korean War, he served as an officer in the Army Judge Advocate General Corps, spending most of his tour of duty at the JAGC Headquarters at the Pentagon in Washington, drafting and presenting Army legislation to Congress;

WHEREAS, Hugh was a citizen of Greensboro after 1953, when he joined the Greensboro law firm of Brooks, McLendon, Brim & Holderness, now known as Brooks, Pierce, McLendon, Humphrey & Leonard, where he became Chairman of the firm and a leader in his profession;

WHEREAS, Hugh was very active in the civic life of this community and State, serving as President of the Greensboro Jaycees in 1956; member of the North Carolina House of Representatives and youngest member of the General Assembly in 1959; and member of the North Carolina Senate in 1961;

WHEREAS, Hugh was a lifelong supporter of public and private education, serving for a number of years as a Trustee of Wake Forest University; Chairman of the Board of Trustees of Wake Forest University (1999-2000); member of the Board of Directors of the Wake Forest University Baptist Medical Center; Trustee of the University of North Carolina at Greensboro; and Chairman of the Board of Trustees of the University of North Carolina at Greensboro (1993-1994);

WHEREAS, Hugh served as a director and Chair of the Weatherspoon Arts Foundation of UNC at Greensboro;

WHEREAS, throughout his career, Hugh was active in professional organizations serving as an early Chairman of the Young Lawyers Division of the North Carolina Bar Association; a Fellow of the American College of Trial Lawyers; a Life Member of the American Law Institute; a Fellow of the American Bar Foundation; consistently listed among the Best Lawyers of America; and a member of the North Carolina Supreme Court Historical Society serving as its President;

WHEREAS, Hugh served as a Trustee of the Z. Smith Reynolds Foundation for 20 years, served on the Wachovia Bank Regional Board of Directors for the Triad Region for 18 years and was Chairman for 10 years, and served on the North Carolina Commission on Business Laws and the Economy;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated service rendered by Hubert B. (Hugh) Humphrey, Jr.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the people of Greensboro, a deep sense of loss and a feeling of respect and esteem for the life of Hubert B. (Hugh) Humphrey, Jr.
2. That a copy of this resolution shall be delivered to the family of Hubert B. (Hugh) Humphrey, Jr., as a symbol of the gratitude of the people of Greensboro for his outstanding public service.

(Signed) Yvonne J. Johnson

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Councilmember Burroughs-White introduced and read into the minutes a resolution honoring the memory of the late Jo Jones Spivey. She recognized and presented copies of the resolution to family members who were present for the recognition.

Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips, and Vaughan. Noes: None.

92-03 RESOLUTION HONORING THE MEMORY OF THE LATE JO JONES SPIVEY

WHEREAS, on April 15, 2003, this community lost one of its community leaders with the death of Jo Jones Spivey;

WHEREAS, Jo was a native of Asheville, a graduate of UNC-Chapel Hill School of Journalism and was best known for her 31 years of reporting for the Greensboro Record, retiring a few years before the afternoon Record and morning Daily News merged;

WHEREAS, her reporting career included newspaper reporting for the Asheville Citizen, Asheville Times, the Raleigh Times and the Association of Afternoon Dailies;

WHEREAS, in 1951 Jo joined The Greensboro Record as a police reporter, later covering City Government for 23 years, and in 1977 moved into the business beat, and was known for her accurate and fair reporting;

WHEREAS, during the 1960's she was well recognized for her work concerning the Civil Rights movement which has been documented, and in 1990, received the "Stepping Stone to Freedom Award" for her coverage of the sit-ins which resulted in the integration of the Woolworth lunch counter downtown;

WHEREAS, she was the recipient of other awards including The Record and Daily News' Landmark Award in 1972 and 1975 and the Distinguished Service Award from the Governor's Council on Employment of the Handicapped in 1974;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated service rendered by Jo Jones Spivey.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the people of Greensboro, a deep sense of loss and a feeling of respect and esteem for the life of Jo Jones Spivey.
2. That a copy of this resolution shall be delivered to the family of Jo Jones Spivey as a symbol of the gratitude of the people of Greensboro for her outstanding public service.

(Signed) Sandy Carmany

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The Mayor commended volunteers, members of the War Memorial Commission and various City Departments for their extraordinary efforts on behalf of the Atlantic Coast Conference (ACC) and the 2003 ACC Women's and Men's Basketball Tournaments; he recognized those individuals who were present at the meeting. Mayor Holliday detailed the history of the relationship between the ACC and the City of Greensboro and spoke to the success of the 2003 basketball tournaments which had brought international public recognition to Greensboro and had a significant economic impact on areas businesses.

Mayor Holliday introduced and read into the minutes a Resolution in recognition of the 50th Anniversary of the Atlantic Coast Conference (ACC) and 2003 ACC Women's and Men's Basketball Tournaments. After Councilmember Perkins moved that the fourth paragraph in the resolution be amended to delete "one of the" and to read as follows: "impact of the Nation's premier major college athletic conference", Councilmember Burroughs-White moved adoption of the motion. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council. Councilmember Johnson moved adoption of the resolution, as amended. The motion was seconded by Councilmember Vaughan; the amended resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

93-03 RESOLUTION RECOGNIZING THE 50TH ANNIVERSARY OF THE ATLANTIC COAST CONFERENCE (ACC) AND ESTABLISHING MAY 4 – 10, 2003 AS ACC WEEK

WHEREAS, the Atlantic Coast Conference (ACC) was founded in Greensboro at the historic Sedgfield Inn May 8, 1953 by founders who were like-minded in academic philosophy and athletic endeavors;

WHEREAS, the City of Greensboro has had the privilege to serve as host to the ACC Men's Basketball Tournaments more times during the past fifty years than any other community and is now the proud host of the ACC Women's Basketball Tournament for ten straight years from 2000 –2009;

WHEREAS, Greensboro serves as the proud "home" office for the Conference, it's Commissioner and all Conference staff;

WHEREAS, the Greensboro area has benefited greatly socially and economically from the presence and impact of the Nation's premier major college athletic conference;

WHEREAS, the original founding members of the ACC were the Universities of Clemson, Duke, Maryland, North Carolina, North Carolina State, South Carolina and Wake Forest with Virginia joining shortly thereafter;

WHEREAS, today's members consist of Clemson, Duke, Florida State, Georgia Tech, Maryland, North Carolina, North Carolina State, Virginia and Wake Forest;

WHEREAS, the City of Greensboro is proud to celebrate the 'Golden Glory': the first 50 years of the Atlantic Coast Conference by establishing the week of May 4–10 as 'ACC Week'.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, on behalf of all citizens, it is proud to recognize the 50th anniversary of the Atlantic Coast Conference (ACC) by taking part in the celebration and establishes the week of May 4-10, 2003 as 'ACC Week'.

(Signed) Yvonne J. Johnson

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In special recognition of their leadership and significant contributions to the City, War Memorial Coliseum, the ACC and the ACC Basketball Tournaments, Mayor Holliday presented to D. Erik Albright, William Harrison Turner, III and Glenn Lesley (not present) a Mayor's Certificate of Commendation.

The City Manager spoke to the success of the Men's and Women's 2003 basketball season and to the City's partnership with the ACC to make this the best tournament in the country. Expressing appreciation to Fred Barakat, Associate Commissioner - Men's Basketball (not present), and Bernadette V. McGlade, Association Commissioner - Women's Basketball, the Manager presented them with framed banners of the 50th Anniversary of the ACC as a memento of their significant contributions to the ACC and Greensboro. Noting Mr. Barakat was not feeling well, Councilmember Vaughan accepted the memento on behalf of his father-in-law.

Stating that Greensboro was fortunate and proud of its partnership with the ACC, the Mayor recognized and commended John D. Swofford, Commissioner of the Atlantic Coast Conference, and spoke to his extraordinary efforts to ensure the success and quality of the ACC. The Mayor and Manager thereupon presented Mr. Swofford with a special gift from the City of Greensboro, a framed banner which hung in the Coliseum during the 2003 ACC; the Manager stated the addition of the "Key to the City" in the framed memento was a symbol that Greensboro is home of the ACC.

On behalf of the ACC staff, Mr. Swofford accepted the memento and expressed appreciation to the City of Greensboro and all volunteers who contributed to the success of the ACC Men's and Women's Basketball Tournaments, reviewed the birth of the ACC in this City and spoke to the special relationship the ACC continued to have with Greensboro and added that the two had become synonymous across the country.

The City Manager recognized and commended City staff who served as ACC volunteers for their special contributions which ensured the success and safety of the ACC tournaments; he noted these employees would receive special "Team Greensboro" gifts for their participation.

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Stating he believed the War Memorial Coliseum (Coliseum) was a great facility, Dick Grubar, Chair of the War Memorial Coliseum Commission; provided a lengthy update on Coliseum activities and spoke to the importance of the facility to Greensboro and the Triad area. Mr. Grubar provided specific, detailed information with regard to the diversity and record-breaking attendance at various events and concerts held at the facility; spoke to the extraordinary success of the ACC, its long-term partnership with the Coliseum and the celebration of its 50th Anniversary in 2003; emphasized the economic impact of the Coliseum events, etc. to the citizens of Greensboro; and used a PowerPoint presentation to provide information with respect to Greensboro Coliseum Complex Revenue Comparisons for FY 02-03 and The Special Events Center Monthly Occupancy Rate.

Mr. Brown spoke to the success of the 2003 ACC and expressed appreciation to the ACC management, volunteers, City departments and Coliseum staff for their efforts in making this year's celebration a great success; Mr. Brown recognized the members of the Coliseum staff who were present for the meeting. He spoke to the operation of the Coliseum, provided information with regard to the number of various concerts and events held in the Coliseum facilities, detailed the economic impact to Greensboro, etc.

The Mayor, Council and City Manager expressed appreciation to everyone involved in the ACC events for their excellent work.

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After Mayor Holliday introduced Kristine Williams, representing the Water Resources Department, she provided details with regard to the annual contest sponsored by the City and the North Carolina Cooperative Extension in Guilford County to celebrate National Drinking Water Week which gave first and second graders the opportunity to learn and share ways to use water efficiently.

The Mayor thereupon recognized and presented certificates and savings bonds to the contest winners: third place-Kala Gilley, Sedalia Elementary School, \$50 savings bond; second place-Amelie Marohn, Jesse Wharton Elementary School, \$75 savings bond; and first place-Leanne Powell, Claxton Elementary School, \$100 savings bond.

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Mayor Holliday stated Council would now consider an ordinance amending the Greensboro Code of Ordinances with respect to Zoning, Planning and Development, Section 30-1-10 (*Connections 2025 Comprehensive Plan*) (Plan); he advised this matter was continued from the April 23, 2003 Special Council meeting and the public hearing was closed at that time.

The Mayor stated Council had held a Special Meeting for the purpose of conducting a public hearing on the Plan; he spoke to the lengthy process to develop the Plan being considered by Council and commended members of the Committee for their fine work.

Tom Martin, Planning Department Director, expressed appreciation to the Comprehensive Planning Committee for their hard work in developing the ordinance, spoke to the number of issues in the Plan which would require future Council action, and stated the Plan would determine the direction the City would take with regard to future development. Some members of Council expressed personal thoughts about the Plan and expressed appreciation to the City Staff and Committee for its hard work in this process.

Councilmember Gatten moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-92 AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT SECTION 30-1-10

WHEREAS, the City Council authorized the development of a comprehensive plan for the future growth, development and preservation of Greensboro; and

WHEREAS, the City Council appointed the Comprehensive Plan Steering Committee, held public hearings and informational meetings to hear citizens comments, and conducted work sessions on a draft Comprehensive Plan; and

WHEREAS, the City Council adopted a Vision Statement on July 17, 2001, which reflects the values, priorities and aspirations of the citizens of Greensboro; and

WHEREAS, the Vision Statement has been incorporated into the Comprehensive Plan; and

WHEREAS, a draft of the plan was made available to the public on December 9, 2002 for their review and comment; and

WHEREAS, four public meetings were held on January 14 -15, 2003 to present the draft plan to the public; and

WHEREAS, on January 15, 2003 a joint meeting was held with the Planning Board and Zoning Commission to review the Plan; and

WHEREAS, on January 15, 2003 the Planning Board unanimously recommended approval of the Plan; and

WHEREAS, on February 10, 2003 the Zoning Commission unanimously recommended approval of the Plan; and

WHEREAS, public comments were accepted through February 6, 2003; and

WHEREAS, the Comprehensive Plan Steering Committee met on March 3, 2003 to review the public comments and recommends the changes as shown on the attached addendum to the December 2002 draft of the Greensboro Connections 2025 Comprehensive Plan; and

WHEREAS, the Comprehensive Plan Steering Committee unanimously recommends approval of the Greensboro Connections 2025 Comprehensive Plan;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, THAT CHAPTER 30 OF THE CITY CODE OF THE CITY OF GREENSBORO IS AMENDED AS FOLLOWS:

Section 1. The Plan developed and presented to City Council at its April 23, 2003, Council meeting and known as ***Greensboro Connections 2025 Comprehensive Plan*** is hereby adopted and incorporated by reference into the City Code as written and amended in accordance with the instruction of City Council as set forth at that meeting.

Section 2. That Section 30-1-10, Relation to the Comprehensive Plan, is hereby amended to read as follows:

The administration, enforcement, and amendment of this Ordinance shall be accomplished with consideration of recommendations presented in the documents comprising the Comprehensive Plan. These documents include, but are not limited to, the following:

comprehensive plan, thoroughfare plan, collector street plan, neighborhood plans, small area plans, community facilities plan, capital improvement program, economic development strategies, housing assistance plan, recreation plan, greenways plan, drainageway and open space plan, and watershed management plan. A copy of the adopted Greensboro Connections 2025 Comprehensive Plan shall be filed with the City Clerk.

Deleted: land use

Section 3. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 4. This ordinance shall become effective on May 6, 2003.

(Signed) Florence F. Gatten

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-7 Residential Single Family to Highway Business for property located on the north side of Dana Place between Freeman Mill Road and Bulla Street. The Mayor advised this matter being heard on appeal filed by William F. Ruickoldt on behalf of Stephen G. Hayes after receiving a vote of 4-4 by the Zoning Commission to recommend denial of the zoning and was continued from the April 15, 2003 City Council meeting.

C. Thomas Martin, Planning Department Director, used a map to illustrate the property and surrounding area, detailed existing zoning patterns, and stated the Planning Department recommended that the rezoning request be denied.

The Mayor asked if anyone wished to be heard.

Larry Gilleo, attorney representing the property owner, spoke in favor of the ordinance and used a map and diagram to illustrate the property, surrounding area and zoning patterns in the area.

Councilmember Vaughan moved that the public hearing be closed. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

Councilmember Gatten moved that the ordinance be denied. The motion was seconded by Councilmember Johnson.

After brief Council discussion with regard to the history of the property and its uses, buffer requirements, and the desire to protect area residences as much as possible, Mr. Martin provided the following staff recommendation:

Item 11– Dana Place

The Planning Department recommends that this request be denied.

The Generalized Future Land Use Map designates this area as Low Residential.

Furthermore, the Coliseum Boulevard/Freeman Mill Road/U.S. 220 Corridor Study recommended zero tolerance for any further rezoning to commercial in this subcorridor.

Councilmember Gatten's motion to **deny** the ordinance was thereupon adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Johnson, Perkins, Phillips and Vaughan. Noes: Holliday and Jessup.

(A copy of the ordinance as introduced and **DEFEATED** is filed in Exhibit Drawer O, Exhibit Number 6, which is hereby referred to and made a part of these minutes.)

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Mayor Holliday recognized members of Boy Scout Troop 244 from St. Pius X Parish who were present in the Chamber.

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The Mayor stated that this was the time and place set for a public hearing to consider **1)** an ordinance establishing original zoning classification from County Zoning Heavy Industrial to City Zoning Heavy Industrial for property located on the southeast side of Corporate Park Drive between Rudd Station Road and Lake Herman Drive (5838 Rudd Station Road, 6100-6104 Corporate Park Drive and 3502 Lake Herman Drive); he thereupon introduced so these matters could be discussed together **2)** an ordinance establishing original zoning classification from County Zoning Heavy Industrial to City Zoning Heavy Industrial for property located on the northwest and southeast sides of Corporate Park Drive northeast of the Lake Herman Drive intersection (6201 and 6200 Corporate Park Drive), **3)** an ordinance establishing original zoning classification from County Zoning Heavy Industrial to City Zoning Heavy Industrial for property located on the southeast side of Technology Drive between Lake Herman Drive and Bryan Park Road (6206-A Technology Drive), **4)** an ordinance establishing original zoning classification from County Zoning RS-7 Residential Single Family to City Zoning RS-7 Residential Single Family for property located northwest of Summit Avenue between Rudd Station Road and the terminus of Technology Drive (5733 Summit Avenue and 6100-6104 Technology Drive), **5)** an ordinance establishing original zoning classification from County Zoning Public and Institutional to City Zoning Public and Institutional for property located on the northwest side of U.S. 29 North southeast of Summit Avenue (5900 Summit Avenue), **6)** an ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family and Highway Business to City Zoning Highway Business for property located on the northwest side of U.S. 29 North northeast of Esterwood Road (4721 and 4735 U.S. 29 North), **7)** an ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family to City Zoning RS-12 Residential Single Family for property located northwest of U.S. 29 North north of Esterwood Road (4721 U.S. 29 North), and **8)** an ordinance establishing original zoning classification from County Zoning Light Industrial to City Zoning Light Industrial for property located at the southwest intersection of U.S. 29 North and Esterwood Road (4655 U.S. 29 North).

C. Thomas Martin, Planning Department Director, advised that at an earlier Council meeting, the ordinances for the petition annexations were adopted by Council to ensure their effective dates would be June 30, 2003 at the beginning of a new full year. He stated the original zoning ordinances being considered at this meeting were reflective of the current Guilford County zoning on the property and advised Planning Department staff recommended adoption of the items.

Council waived the viewing of photos and slides.

After Mayor Holliday asked if anyone wished to be heard, no one indicated a desire to speak to any of the original zoning items.

Mr. Martin provided the following staff recommendations for Agenda items 12-19:

Items 12 - 15 – Vicinity of Corporate Park Drive & Rudd Station Road

The Planning Department recommends that these original zoning proposals be approved.

These properties are being annexed pursuant to previously submitted Utility Agreement and Annexation petitions.

At its February 19, 2003 meeting, the Greensboro Planning Board unanimously recommended in favor of annexing these four petitions.

Included in these properties are H.T. Wade Enterprises (Item 12), Southeastern Paper Group and FedEx (Item 13), an industrial building under construction (Item 14) and a proposed single family subdivision (Item 15).

Each of these proposals carries forth the existing County zoning classification.

While the RS-7 tract is shown on the Generalized Future Land Use Map as being Industrial/Corporate Park, this tract has already received RS-7 zoning approval from the County and the subdivision plan for the property has already received extensive review.

Furthermore, this RS-7 tract is split from the presently developed industrial area by a stream.

Therefore, staff recommends that the previously established RS-7 classification be retained upon annexation.

Items 16 – 19 - Vicinity of U.S. 29 North

The Planning Department recommends that these original zoning proposals be approved.

Each of these properties with the exception of the former Central N.C. School for the Deaf is being annexed pursuant to previously submitted Utility Agreement and Annexation petitions.

Staff proposed that the State property (Item 16) be included in the annexation.

At its February 19, 2003 meeting, the Greensboro Planning Board unanimously recommended in favor of annexing these four items.

Included in these properties are Green's Supper Club (Item 17) and CGR Products (Item 19).

For the most part, each of these proposals carries forth existing County zoning classifications.

The exceptions are that Item 18 is being proposed for original zoning to RS-12 instead of County Zoning RS-30.

Also, a portion of the property in Item 17 which is presently zoned RS-30 is proposed for HB zoning since it is being used for truck parking and is presently bordered by HB zoning on either side of it.

Councilmember Burroughs-White moved adoption of the ordinance establishing original zoning classification from County Zoning Heavy Industrial to City Zoning Heavy Industrial for property located on the southeast side of Corporate Park Drive between Rudd Station Road and Lake Herman Drive (5838 Rudd Station Road, 6100-6104 Corporate Park Drive and 3502 Lake Herman Drive). The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-93 AMENDING OFFICIAL ZONING MAP

SOUTHEAST SIDE OF CORPORATE PARK DRIVE BETWEEN RUDD STATION ROAD AND LAKE HERMAN DRIVE (5838 RUDD STATION ROAD, 6100-6104 CORPORATE PARK DRIVE & 3502 LAKE HERMAN DRIVE)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Heavy Industrial to City Zoning Heavy Industrial uses for the area described as follows:

BEGINNING at the southeast corner of Lot 1 of Map 3 of Phase 3 of Summit Industrial Park, as recorded in Plat Book 130, Page 119 in the Office of the Register of Deeds of Guilford County; thence with the south line of said Lot 1 the following courses and distances: S 77° 49' 54" W 115.00 feet to a point, S 62° 57' 55" W 99.38 feet

to a point, N 74° 08' 44" W 148.17 feet to a point, S 72° 17' 16" W 122.88 feet to a point, and S 56° 58' 09" W 123.90 feet to the southwest corner of said Lot 1; thence with the west line of Lot 1 along the east right-of-way line of Rudd Station Road the following courses and distances: N 36° 42' 44" W 131.19 feet to a point, N 29° 11' 44" W 88.96 feet to a point, N 23° 33' 44" W 88.29 feet to a point, and N 20° 37' 38" W 808.08 feet to a point; thence with a curve to the right having a radius of 20.00 feet N 24° 22' 22" E a chord distance of 28.28 feet to a point in the southeast right-of-way line of Corporate Park Drive; thence with said right-of-way line N 69° 22' 22" E 268.89 feet to a point in the northwest line of Lot 1 of Phase 4 of Summit Industrial Park, as recorded in Plat Book 145, Page 87 in the Office of the Register of Deeds; thence continuing with said northwest line along the southeast right-of-way line of Corporate Park Drive 413.56 feet along a curve to the left having a radius of 889.00 feet and a chord bearing and distance of N 55° 33' 05" E 409.84 feet to the northernmost corner of said Lot 1; thence continuing along the same right-of-way curve 238.73 feet, chord bearing and distance of N 34° 31' 54" E 238.01 feet, to a point; thence 410.93 feet along said right-of-way line with a curve to the right having a radius of 940.00 feet and a chord bearing and distance of N 39° 03' 49" E 407.67 feet to a point; thence continuing with said right-of-way line N 52° 15' 36" E 603.25 feet to the west corner of Shamrock Environmental Corporation, as recorded in Deed Book 4258, Page 854 in the Office of the Register of Deeds; thence S 52° 30' 04" E 536.03 feet with Shamrock's southwest line to Shamrock's present south corner; thence N 39° 05' 24" E 1,072.93 feet with Shamrock's southeast line to Shamrock's east corner; thence S 40° 07' 12" E 64.29 feet with the southwest line of Lot 6 of Map Two of Lake Herman Corporate Center, as recorded in Plat Book 72, Page 110 in the Office of the Register of Deeds; thence S 59° 08' 19" E 31.54 feet with the southwest line of Lot 7 of said Map Two to a point; thence N 48° 51' 57" E 458.77 feet to a point in the southwest right-of-way line of Lake Herman Drive; thence with said right-of-way line the following courses and distances: 74.60 feet along a curve to the right having a radius of 989.68 feet and a chord bearing and distance of S 15° 25' 54" E 74.58 feet to a point, 308.76 feet along a curve to the left having a radius of 430.99 feet and a chord bearing and distance of S 33° 47' 44" E 302.20 feet to a point, and S 54° 16' 05" E 249.43 feet to a point at the corner of Lake Herman Drive and Technology Drive; thence S 35° 06' 36" W 69.88 feet with the northwest right-of-way line of Technology Drive to the western corner of the terminus of Technology Drive; thence along a curve to the left having a radius of 160.00 feet and a chord bearing and distance of S 13° 48' 38" W 62.56 feet to a point; thence along a curve to the right having a radius of 100.00 feet and a chord bearing and distance of S 15° 31' 52" W 44.97 feet to a point; thence along a curve to the left having a radius of 70.00 feet and a chord bearing and distance of S 15° 48' 48" W 30.81 feet to a point; thence N 86° 53' 54" W 26.59 feet to a point; thence S 34° 44' 34" W 382.18 feet to a point; thence N 47° 35' 57" W 86.21 feet to a point; thence S 03° 47' 48" E 220.58 feet to a point; thence S 62° 18' 24" W 173.41 feet to a point; thence S 22° 53' 39" W 229.14 feet to a point; thence S 44° 55' 01" W 303.42 feet to a point; thence S 59° 50' 40" W 107.39 feet to a point; thence S 59° 59' 13" W 171.71 feet to a point; thence S 45° 14' 28" W 348.93 feet to a point; thence S 74° 57' 04" W 340.07 feet to a point; thence S 53° 56' 46" W 402.38 feet to a point; thence S 31° 03' 13" E 120.00 feet to a point in J. J. Swink's north line; thence S 29° 04' 42" W 299.24 feet with Swink's northwest line to the northernmost corner of Howard L. and Leo J. Swink; thence with said Swink's north line the following courses and distances: S 65° 16' 30" W 58.02 feet to a point, S 51° 17' 32" W 92.91 feet to a point, and S 77° 49' 54" W 184.39 feet to the point and place of BEGINNING, and containing approximately 119.532 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Claudette Burroughs-White

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Councilmember Burroughs-White moved adoption of the ordinance establishing original zoning classification from County Zoning Heavy Industrial to City Zoning Heavy Industrial for property located on the northwest and southeast sides of Corporate Park Drive northeast of the Lake Herman Drive intersection (6201 and 6200 Corporate Park Drive). The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-94 AMENDING OFFICIAL ZONING MAP

NORTHWEST AND SOUTHEAST SIDES OF CORPORATE PARK DRIVE NORTHEAST OF THE LAKE HERMAN DRIVE INTERSECTION (6201 & 6200 CORPORATE PARK DRIVE)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Heavy Industrial to City Zoning Heavy Industrial uses for the area described as follows:

BEGINNING at a point in the existing Greensboro corporate limits (as of January 31, 2003), said point being the intersection of the city limit line and the northwestward projection of the northeast line of Lot 4 of Map Two, Lake Herman Corporate Center, as recorded in Plat Book 72, Page 110 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 38° 40' 40" E approximately 200 feet, crossing the Norfolk Southern railroad right-of-way, to the northernmost corner of said Lot 4; thence continuing S 38° 40' 40" E 839.40 feet along the northeast line of Lot 4 to its easternmost corner; thence in a southeasterly direction, crossing Corporate Park Drive, approximately 60 feet to the northernmost corner of Lot 9 on said Map Two; thence with the northeast line of Lot 9 the following bearings and distances: S 52° 57' W 82.81 feet to a point, S 77° 43' 06" W 155.08 feet to a point, S 38° 28' 35" W 138.33 feet to a point, S 24° 10' W 98.77 feet to a point, N 61° 11' 12" W 102.02 feet to a point, N 68° 46' 52" W 62.39 feet to a point, N 08° 05' 16" W 44.39 feet to a point, and S 49° 01' 18" W 201.63 feet to the southernmost corner of Lot 9; thence following the northeast right-of-way line of Lake Herman Drive with a curve to the left having a radius of 1,049.68 feet, a chord bearing and distance of N 25° 14' 06" W 168.43 feet, and an arc length of 168.62 feet to a point; thence continuing with said right-of-way line N 29° 50' 12" W 217.48 feet to the westernmost corner of Lot 9; thence in a northwesterly direction, crossing Corporate Park Drive, approximately 60 feet to the southernmost corner of Lot 4; thence N 34° 48' 36" W 868.01 feet to the westernmost corner of Lot 4; thence continuing N 34° 48' 36" W approximately 200 feet, crossing the Norfolk Southern railroad right-of-way, to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a northeasterly direction approximately 465 feet to the point and place of BEGINNING, and containing approximately 20.0 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Claudette Burroughs-White

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Councilmember Vaughan moved adoption of the ordinance establishing original zoning classification from County Zoning Heavy Industrial to City Zoning Heavy Industrial for property located on the southeast side of Technology Drive between Lake Herman Drive and Bryan Park Road (6206-A Technology Drive). The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-95 AMENDING OFFICIAL ZONING MAP

SOUTHEAST SIDE OF TECHNOLOGY DRIVE BETWEEN LAKE HERMAN DRIVE AND BRYAN PARK ROAD (6206-A TECHNOLOGY DRIVE)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Heavy Industrial to City Zoning Heavy Industrial uses for the area described as follows:

BEGINNING at the northernmost corner of Lot No. 13-A of Redivision of Lot No. 13 of the Redivision of Lot Nos. 13 & 14, Map Three, Lake Herman Corporate Center, as recorded in Plat Book 92, Page 140 in the Office

of the Register of Deeds of Guilford County; thence S 36° 47' 20" E 630.59 feet along the northeast line of said lot to the easternmost corner of said lot; thence S 63° 46' 04" W 214.92 feet along the southeast line of said lot to a point; thence S 58° 05' 04" W 42.79 feet along the southeast line of said lot to the southernmost corner of said lot; thence N 44° 56' 54" W 573.46 feet along the southwest line of said lot to the westernmost corner of said lot; thence N 39° 26' 30" E 178.66 feet along the southeast right-of-way line of Technology Drive to a point; thence continuing with said right-of-way line with a curve to the right having a radius of 220.02 feet an arc length of 161.43 feet to the point and place of BEGINNING, being Lot 13-A of said subdivision and containing 4.201 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Donald R. Vaughan

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Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning RS-7 Residential Single Family to City Zoning RS-7 Residential Single Family for property located northwest of Summit Avenue between Rudd Station Road and the terminus of Technology Drive (5733 Summit Avenue and 6100-6104 Technology Drive). The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-96 AMENDING OFFICIAL ZONING MAP

NORTHWEST OF SUMMIT AVENUE BETWEEN RUDD STATION ROAD AND THE TERMINUS OF TECHNOLOGY DRIVE (5733 SUMMIT AVENUE & 6100-6104 TECHNOLOGY DRIVE)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family and RS-7 Residential Single Family to City Zoning RS-7 Residential Single Family uses for the area described as follows:

BEGINNING at the western corner of the terminus of Technology Drive; thence S 54° 05' 43" E 59.35 feet with the southwest line of Map Three of Lake Herman Corporate Center, as recorded in Plat Book 72, Page 111 in the Office of the Register of Deeds of Guilford County, to a point; thence continuing with said southwest line S 48° 11' 20" E 291.83 feet to a point in the northwest line of Lot 71 of the Camp Herman Addition of Hardie Farm Subdivision, as recorded in Plat Book 14, Page 14 in the Office of the Register of Deeds; thence with the northwest lines of Lots 71-81 of said subdivision the following courses and distances: S 29° 22' 12" W 88.93 feet to a point, S 28° 58' 58" W 100.05 feet to a point, S 28° 40' 51" W 100.41 feet to a point, S 28° 46' 07" W 100.50 feet to a point, S 28° 44' 15" W 100.24 feet to a point, S 28° 34' 13" W 133.25 feet to a point, S 28° 52' 45" W 168.15 feet to a point, and S 28° 43' 39" W 200.61 feet to a point in the northwest line of said Lot 81; thence S 56° 05' 24" E 242.26 feet to a point in the northwest right-of-way line of Summit Avenue; thence with said right-of-way line S 33° 17' 19" W 191.58 feet to a point; thence continuing with said right-of-way line S 33° 55' 29" W 59.62 feet to a point; thence N 20° 54' 50" W 199.54 feet to a point; thence N 55° 51' 17" W 135.95 feet to a point; thence S 34° 06' 29" W 315.05 feet to a point; thence S 34° 02' 51" W 100.03 feet to a point; thence S 33° 55' 55" W 94.92 feet to a point; thence S 33° 59' 41" W 154.74 feet to a point; thence S 33° 51' 08" W 100.17 feet to a point; thence S 33° 57' 12" W 100.04 feet to a point; thence N 55° 15' 38" W 269.52 feet to the northernmost corner of Lot 91 of the Camp Herman Addition of Hardie Farm Subdivision; thence with the northwest lines of Lots 91 and 92 of said subdivision S 33° 58' 44" W 425.05 feet to a point; thence N 77° 52' 41" W 77.40 feet to Charles R. Pattshall's northeast corner, as recorded in Deed Book 3354, Page 225 in the Office of the register of Deeds; thence N 76° 33' 57" W 72.42 feet with Pattshall's north line to his northwest corner; thence N 76° 37' 32" W 169.46 feet with the north line of Howard E. May to his northwest corner; thence N 76° 33' 07" W 119.98 feet with G. S. Gregory's

north line to his northwest corner; thence N 76° 34' 32" W 179.80 feet with J. J. Swink's north line to a point; thence N 31° 03' 13" W 120.00 feet to a point; thence N 53° 56' 46" E 402.38 feet to a point; thence N 74° 57' 04" E 340.07 feet to a point; thence N 45° 14' 28" E 348.93 feet to a point; thence N 59° 59' 13" E 171.71 feet to a point; thence N 59° 50' 40" E 107.39 feet to a point; thence N 44° 55' 01" E 303.42 feet to a point; thence N 22° 53' 39" E 229.14 feet to a point; thence N 62° 18' 24" E 173.41 feet to a point; thence N 03° 47' 48" W 220.58 feet to a point; thence S 47° 35' 57" E 86.21 feet to a point; thence N 34° 44' 34" E 382.18 feet to a point; thence S 86° 53' 54" E 26.59 feet to a point; thence along a curve to the right having a radius of 70.00 feet and a chord bearing and distance of N 15° 48' 48" E 30.81 feet to a point; thence along a curve to the left having a radius of 100.00 feet and a chord bearing and distance of N 15° 31' 52" E 44.97 feet to a point; thence along a curve to the right having a radius of 160.00 feet and a chord bearing and distance of N 13° 48' 38" E 62.56 feet to the point and place of BEGINNING.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Councilmember Phillips moved adoption of an ordinance establishing original zoning classification from County Zoning Public and Institutional to City Zoning Public and Institutional for property located on the northwest side of U.S. 29 North southeast of Summit Avenue (5900 Summit Avenue). The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-97 AMENDING OFFICIAL ZONING MAP

NORTHWEST SIDE OF U.S. 29 NORTH SOUTHEAST OF SUMMIT AVENUE (5900 SUMMIT AVENUE)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Public and Institutional to City Zoning Public and Institutional uses for the area described as follows:

BEGINNING at a point in the existing Greensboro corporate limits (as of January 31, 2003), said point being the intersection of the east right-of-way line of U.S. Highway 29 North and the southeastward projection of the northeast line of property of the State of North Carolina (former Central N. C. School for the Deaf property), as recorded in Deed Book 2662, Page 159 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in a southwesterly direction with said right-of-way line approximately 1,566 feet to its intersection with the southeastward projection of the northeast line of Lot 1 of Frank M. Greene, Executor of George Greene, Jr. Estate, as recorded in Plat Book 141, Page 20 in the Office of the Register of Deeds; thence N 57° 30' 33" W approximately 250 feet, crossing U.S. Highway 29 North, to a concrete right-of-way monument at the easternmost corner of said Lot 1; thence with the northeast line of Lot 1 N 57° 30' 33" W 268.77 feet to the northernmost corner of Lot 1; thence with the northwest line of Lot 1 the following courses and distances: S 32° 39' 09" W 240.94 feet to a point, S 87° 36' 03" W 122.79 feet to an axle, and S 10° 32' 00" W 128.07 feet to a point in the north line of Lot 2 on said Green plat; thence S 68° 47' 56" W 648.07 feet with the north line of said Lot 2 to a point; thence N 56° 47' 25" W 575.23 feet to the northwest corner of said Lot 2; thence with W. H. Worrell's northeast line N 59° 33' 17" W 296.32 feet to an existing iron pipe in Rodger's Branch; thence down the branch along the east side of the Camp Herman Addition of the Hardie Farm Subdivision, as recorded in Plat Book 14, Page 6 in the Office of the Register of Deeds, and with the center line of said branch the following courses and distances: N 38° 02' 21" E 70.56 feet to a point, N 41° 15' 11" E 126.46 feet to a point, N 57° 46' 03" E 137.42 feet to a point, N 67° 38' 03" E 122.45 feet to a point, N 29° 27' 50" E 130.77 feet to a point, N 25° 15' 39" E 220.81 feet to a point, N 71° 35' 18" E 203.96 feet to a point, N 47° 43' 46" E 325.11 feet to a

point, N 36° 53' 41" E 108.92 feet to a point, N 28° 43' 24" W 64.02 feet to a point, N 02° 45' 30" E 138.26 feet to a point, N 26° 32' 47" W 140.09 feet to a point, N 07° 58' 43" W 187.68 feet to a point, N 12° 47' 37" E 260.71 feet to a point, and N 09° 21' 16" E 167.28 feet to the northeast corner of the Camp Herman Addition of the Hardie Farm Subdivision; thence with the south side of Rodger's Branch the following courses and distances: N 77° 17' 18" E 60.01 feet to an iron pipe, N 52° 23' 22" E 110.08 feet to an iron pipe, S 70° 59' 33" E 67.91 feet to an iron pipe, N 24° 02' 01" E 77.91 feet to a point, S 46° 38' 54" E 92.78 feet to an iron pipe, S 30° 10' 50" E 91.03 feet to an iron pipe, N 43° 15' 14" E 52.26 feet to a point, S 50° 40' 41" E 102.73 feet to an iron pipe, S 39° 15' 37" E 156.74 feet to an iron pipe, N 70° 43' 28" E 158.51 feet to an iron pipe, N 59° 52' 32" E 145.13 feet to an iron pipe, said pipe being in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 56° 17' 12" E 1,026.29 feet to an iron pipe in the west right-of-way line of U.S. Highway 29 North; thence in a southeasterly direction, crossing U.S. Highway 29 North, approximately 250 feet to the point and place of BEGINNING.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Councilmember Burroughs-White moved adoption of the ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family and Highway Business to City Zoning Highway Business for property located on the northwest side of U.S. 29 North northeast of Esterwood Road (4721 and 4735 U.S. 29 North). The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-98 AMENDING OFFICIAL ZONING MAP

NORTHWEST SIDE OF U.S. 29 NORTH NORTHEAST OF ESTERWOOD ROAD (4721 & 4735 U.S. 29 NORTH)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family and Highway Business to City Zoning Highway Business uses for the area described as follows:

BEGINNING at a point on the east right-of-way line of U.S. Highway 29 North, said point being on the southeastward projection of the northeast line of Lot 1 of Frank M. Greene, Executor of George Greene, Jr. Estate, as recorded in Plat Book 141, Page 20 in the Office of the Register of Deeds of Guilford County; thence N 57° 30' 33" W approximately 250 feet, crossing U.S. Highway 29 North, to a concrete right-of-way monument at the easternmost corner of said Lot 1; thence with the northeast line of Lot 1 N 57° 30' 33" W 268.77 feet to the northernmost corner of Lot 1; thence with the northwest line of Lot 1 the following courses and distances: S 32° 39' 09" W 240.94 feet to a point, S 87° 36' 03" W 122.79 feet to an axle, and S 10° 32' 00" W 128.07 feet to a point in the north line of Lot 2 on said Green plat; thence S 68° 47' 56" W approximately 490 feet with the north line of said Lot 2 to the intersection of said north line and the northward projection of the west line of George E. Greene, Jr., as recorded in Deed Book 3850, Page 1871 in the Office of the Register of Deeds; thence S 01° 36' 31" W approximately 150 feet to a stone in the south line of said Lot 2; thence with said south line the following courses and distances: S 63° 16' 52" E 309.15 feet to a point, N 26° 43' 38" E 71.45 feet to a point, and S 57° 21' 07" E 242.38 feet to a rebar on the west right-of-way line of U.S. Highway 29 North; thence continuing S 57° 21' 07" E approximately 250 feet, crossing U.S. Highway 29 North, to a point on the east right-of-way line of U.S. Highway 29 North; thence in a northeasterly direction with said east right-of-way line approximately 844 feet to the point and place of BEGINNING.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Claudette Burroughs-White

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Councilmember Johnson moved adoption of the ordinance establishing original zoning classification from County Zoning RS-30 Residential Single Family to City Zoning RS-12 Residential Single Family for property located northwest of U.S. 29 North, north of Esterwood Road (4721 U.S. 29 North). The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-99 AMENDING OFFICIAL ZONING MAP

NORTHWEST OF U.S. 29 NORTH NORTH OF ESTERWOOD ROAD (4721 U.S. 29 NORTH)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the north line of Lot 2 of Frank M. Green, Executor of George Greene, Jr. Estate, as recorded in Plat Book 141, Page 20 in the Office of the Register of Deeds of Guilford County, said point being the intersection of said line and the northward projection of the west line of George E. Greene, Jr., as recorded in Deed Book 3850, Page 1871 in the Office of the Register of Deeds; thence S 01° 36' 31" W approximately 150 feet to a stone in the south line of said Lot 2; thence with the south line of Lot 2 the following courses and distances: S 01° 36' 31" W 180.24 feet to a rebar, S 01° 38' 40" W 316.55 feet to a rebar, S 01° 33' 09" W 253.80 feet to William L. White's northeast corner, N 55° 58' 19" W 102.62 feet to White's northernmost corner, N 55° 57' 45" W 160.61 feet to William M. and Phyllis L. White's easternmost corner, N 55° 58' 11" W 110.63 feet to White's northernmost corner, N 55° 53' 20" W 110.49 feet to Michael P. Morrison's easternmost corner, N 64° 50' 35" W 232.77 feet to Morrison's northernmost corner, and S 03° 16' 22" W 193.58 feet to Morrison's southwest corner; thence continuing S 03° 16' 22" W approximately 60 feet, crossing Esterwood Road (NCSR # 2607), to a point on the south right-of-way line of Esterwood Road; thence N 68° 41' W approximately 32 feet with said right-of-way line to the northwest corner of CGR Products, Inc.; thence in a northerly direction, crossing Esterwood Road, approximately 60 feet to the southwest corner of Lot 2 of Frank M. Green; thence N 03° 16' 22" E 401.18 feet with the west line of said Lot 2 to a point; thence N 03° 12' 35" E 582.52 feet with the west line of said Lot 2 to its northwest corner; thence S 56° 47' 25" E 575.23 feet with the north line of said Lot 2 to a point; thence N 68° 47' 56" E approximately 160 feet to the point and place of BEGINNING.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Yvonne J. Johnson

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Councilmember Vaughan moved adoption of the ordinance establishing original zoning classification from County Zoning Light Industrial to City Zoning Light Industrial for property located at the southwest intersection of U.S. 29 North and Esterwood Road (4655 U.S. 29 North). The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-100 AMENDING OFFICIAL ZONING MAP

SOUTHWEST INTERSECTION OF U.S. 29 NORTH AND ESTERWOOD ROAD (4655 U.S. 29 NORTH)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Light Industrial to City Zoning Light Industrial uses for the area described as follows:

BEGINNING at the northwest corner of CGR Products, Inc., as shown on survey by Marvin L. Borum dated 2-23-72; thence S 68° 41' E 75.33 feet with the south right-of-way line of Esterwood Road to a point; thence continuing with said right-of-way line S 55° 53' E 700.35 feet to the northeast corner of CGR Products, Inc.; thence S 32° 56' W 422.80 feet with the west right-of-way line of U.S. Highway 29 North to the southeast corner of CGR Products; thence N 57° 04' W 538.59 feet along the south line of CGR Products to its southwest corner; thence N 03° 46' E 483.37 feet with the west line of CGR Products to the point and place of BEGINNING.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Donald R. Vaughan

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The Mayor declared a recess at 7:55 p.m.

The meeting reconvened at 8:13 p.m. with all members of Council present.

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance amending numerous sections of Chapter 30 of the Greensboro Code of Ordinances with respect to Zoning, Planning and Development to change from "Conditional Use" Zoning, which involves Quasi-Judicial Decisions, to "Conditional" Zoning, which involves Legislative Decisions.

Explaining that the proposed ordinance contained a package of amendments with regard to general requirements for Conditional Zoning, William Ruska, Zoning Administrator for the Planning Department outlined key features of the proposed ordinance. He spoke to the development of the proposed ordinance by Planning and Legal Department staff; reviewed the proposed change from Conditional Use Zoning, a quasi-judicial process, to Conditional Zoning, a legislative process; and noted a similar ordinance in another North Carolina municipality had been upheld in court. Mr. Ruska noted the Zoning Commission and Planning Board had recommended approval of the ordinance; advised the ordinance had been shared with local attorneys, the Institute of Government, members of Triad Real Estate and Building Industry Coalition (TREBIC), and other interested parties; and spoke to the timeframe and process for implementation of the new ordinance.

After brief discussion, the Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this issue, Councilmember Gatten moved adoption of the ordinance. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-101 AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-2-2, Definitions, is hereby amended by rewriting the definition of “Site Specific Development Plan” under Subsection 30-2-2.7, General, to read as follows:

“SITE SPECIFIC DEVELOPMENT PLAN. A plan of land development submitted by the landowner to the City for the purpose of obtaining a zoning vested right and for the purpose of obtaining one of the following zoning or land use approvals: 1) a Plot Plan pursuant to Section 30-3-11.1 (A) (Plot Plan Required); 2) a Site Plan pursuant to Section 30-3-11.1 (B) (Site Plan Required); 3) a Conditional ~~Use Permit~~ Zoning Site Plan pursuant to Section 30-3-13.2 ~~(H)~~ (F) (Submission of Site Plans); 4) a Site Plan pursuant to Section 30-3-14.7 (Submission of Site Plans); 5) a Unified Development Plan pursuant to Section 30-4-3.4 (B) (Unified Development Plan Approval); or 6) a Preliminary Plat pursuant to Section 30-6-7.3 (Minor Subdivisions) or Section 30-6-7.4 (Major Subdivisions). Notwithstanding the foregoing, neither a variance, a sketch plan, nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a Site Specific Development Plan.”

Section 2. That Section 30-3-8, Dedication or Reservation of Right-of-Way, is hereby amended by rewriting Subsection 30-3-8.1, Dedication of Right-of-Way with Density Transfer, to read as follows:

“30-3-8.1 Dedication of Right-of-Way with Density Transfer

(A) Whenever a tract of land located within the City is proposed for subdivision or for use pursuant to a Conditional ~~Use Permit~~ Zoning Site Plan or Special Use Permit and a portion of it is embraced within a corridor for a street or highway shown on a plan established and adopted pursuant to NCGS 136-66.2, the City may provide for the dedication of right-of-way within that corridor pursuant to any applicable legal authority; or

(B) The City may require an applicant for subdivision plat approval, Conditional ~~Use Permit~~ Zoning Site Plan approval, Special Use Permit approval, or for any other permission pursuant to a land use control ordinance authorized by local act, to dedicate for street or highway purpose the right-of-way within such corridor if the City allows the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land owned by the applicant. No right-of-way dedication shall be required pursuant to this Section unless the board or agency granting final subdivision plat approval, Conditional ~~Use Permit~~ Zoning Site Plan approval, Special Use Permit approval, or any other permission shall find:

1) that the dedication does not result in the deprivation of a reasonable use of the original tract; and

2) that the dedication is either reasonably related to the traffic generated by the proposed subdivision or use of the remaining land, or the impact of the dedication is mitigated by measures provided in this Ordinance; or

(C) If an applicant for subdivision plat approval, Conditional ~~Use Permit~~ Zoning Site Plan approval, Special Use Permit approval, building permit approval, or any other permission is not required to, but elects to, dedicate right-of-way within the corridor, the City may allow the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land that is part of a common development plan.”

Section 3. That Section 30-3-12, Zoning Map Amendments, is hereby amended by rewriting Subsection 30-3-12.2(A), Authorized Submission, to read as follows:

“(A) Authorized Submission: The City Council; any local Board, Commission, or Department; or any person who resides or owns property within the City may submit an application to amend the Official Zoning Map, provided that any application shall be filed at least twenty-four (24) days before the meeting of the Zoning Commission at which such an application is to be considered. See Section 30-3-13 (Conditional ~~Use Zoning~~ Districts and Conditional Use Permits), Section 30-3-17 (Zoning Changes in Historic Districts), Section 30-4-2 (Traditional Neighborhood District

Requirements), and Section 30-4-3 (Planned Unit Development District Requirements) for additional requirements applicable to those districts.”

Section 4. That Section 30-3-12, Zoning Map Amendments, is hereby amended by rewriting Subsection 30-3-12.2(G), Rezoning to General Use District, to read as follows:

“(G) Rezoning to General Zoning Use District: In considering a request to rezone a given property or portion thereof to any General Zoning Use District, the Zoning Commission or City Council shall determine that said property or portion thereof is suitable for all uses permitted in the requested General Zoning Use District.”

Section 5. That Section 30-3-13 is hereby amended by rewriting the title of the section to read as follows:
“CONDITIONAL USE ZONING DISTRICTS ~~AND CONDITIONAL USE PERMITS~~”

Section 6. That Subsection 30-3-13.1, General Requirements, is hereby amended by rewriting the subsection to read as follows:

“30-3-13.1 General Requirements

(A) Application: Only the property owner(s) ~~of all of the property to be included in the district~~ shall apply for rezoning to an appropriate Conditional Use Zoning District ~~and simultaneously apply for a Conditional Use Permit~~. The owner(s) may specify the use(s) of the property and shall propose conditions to ensure compatibility between the development and the surrounding neighborhood. ~~The application may include a Sketch Plan and supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property.~~ If a Transportation Impact Study (TIS) is required in conformance with Section 30-3-20 (Transportation Impact Study (TIS)), the TIS shall be included as a part of the rezoning application submitted to the Planning Department.

(B) Other Regulations Apply: Within a Conditional Use Zoning District, all requirements of any corresponding general use zoning district, and all other requirements of this Ordinance, shall apply except to the extent that the approved conditions are more restrictive than those requirements.

(C) Uses Within District: Within a ~~companion parallel~~ Conditional Use Zoning District, only those uses authorized by Section 30-4-5.1 (Permitted Uses) as allowed in the general ~~use~~ zoning district to which the Conditional Use Zoning District corresponds shall be permitted. No use(s) shall be permitted except those uses(s) authorized by the Conditional ~~Use Permit Zoning District approval~~. Within a Planned Unit Development Conditional Use Zoning District, only those uses permitted in Section 30-4-3.2 (Minimum Size and Uses Allowed) shall be allowed.

(D) Conditions: In a Conditional Zoning District Use Permit, conditions may specify the location on the property of the proposed use(s); the number of dwelling units; the location and extent of supporting facilities such as parking lots, driveways, and access streets; the location and extent of buffer areas and other special purpose areas; the timing of development; the location and extent of rights-of-way and other areas to be dedicated for public purposes; and other such matters as the applicant may propose as conditions upon the request.

(E) Compliance with Approved Plan Permit: No permit shall be issued for any development activity within a Conditional Zoning Use District except in accordance with the approved Conditional Zoning Site Plan Use Permit.

(F) Violation of ~~Permit~~ Conditions: Any violation of a condition in an approved Conditional Zoning District Use Permit shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. Any violation of such a condition shall be deemed to be the same type of violation as the use of a property for a use not

permitted under the district regulations, for the same reason that any use permitted in a Conditional Zoning District is permitted only subject to the specified conditions.

(G) Cancellation of Site Plan Approval Permit: If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, the authorization approval of such the Conditional Zoning Site Plan Use Permit shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification.

Section 7. That Section 30-3-13.2, Procedure, is hereby amended be rewriting the subsection to read as follows:

“30-3-13.2 Procedure

(A) Processing Application: Applications for Conditional Zoning Use Districts and Conditional Use Permits shall be processed, considered, and voted upon in the same procedure as that required in Section 30-3-12 (Zoning Map Amendments) ; except as provided in Section 30-3-13.2(C) and (D) below. No Conditional Zoning Site Plan Use Permit shall be approved prior to approval of the Conditional Zoning Use District to which it applies.

(B) Application Consideration: In considering applications for Conditional Zoning Use Districts and Conditional Use Permits, the Zoning Commission or City Council shall give due regard that the purposes and intent of this Ordinance shall be served.

~~(C) Required Findings: The zoning map amendment and Conditional Use Permit shall not be approved unless each of the following findings has been made:~~

- ~~1) That the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety;~~
- ~~2) That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity; and~~
- ~~3) That the location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs.~~

~~(D) Oaths: All evidence presented at the public hearing in regard to applications for Conditional Use Districts and Conditional Use Permits shall be under oath.~~

~~(E) (C) Conditions Permit Perpetually Binding: Any conditions in association with a Conditional Zoning District Use Permit and so authorized shall be perpetually binding upon the property included in such Conditional Zoning District permit unless subsequently changed or amended as provided for in this Article.~~

~~(F) (D) Greater Restrictions: In granting approving a Conditional Use Permit Zoning District, the Zoning Commission or City Council, upon request of the applicant, may impose only more restrictive requirements upon such permit district as it may deem necessary in order that the purposes and intent of this Ordinance be served.~~

~~(G) (E) No Removal of Other Requirements: No condition on a Conditional Zoning District Use Permit application shall have the effect of removing or amending any requirement of this Ordinance.~~

~~(H)~~ (F) Submission of Site Plans: Conditional Zoning Use Site Plans for any development made pursuant to any Conditional Zoning District Use Permit shall be submitted for review in the same manner as other development plans required by this Ordinance.

~~(G)~~ (G) Minor Modifications: In accordance with Section 30-9-11.6 (Minor Modifications of Conditions in Conditional Use Permits Zoning Districts or Special Use Permits), the Planning Board may approve minor modifications of the conditions in the Conditional Zoning Site Plan Use Permit where such modifications will result in equal or better performance, provided that the objectives and purposes of the requirements and conditions of the Conditional Zoning District Use Permit are maintained.

~~(H)~~ (H) Amendment of Permit Conditions: The Zoning Commission or City Council may change or amend a Conditional Zoning District Use Permit in the same procedure as that required for the original ~~issuance~~ approval of the Conditional Zoning District Use Permit.

~~(K)~~ (I) Timing of Amendment Proposal: No proposal to change or amend any Conditional Zoning District Use Permit shall be considered within one (1) year after the date of the original ~~authorization~~ approval of such ~~district permit~~, or within one (1) year after the hearing of any previous proposal to change or amend such ~~district permit~~."

Section 8. That Section 30-3-14, Special Use Permits, is hereby amended by rewriting Subsection 30-3-14.8, Minor Modifications, to read as follows:

"In accordance with Section 30-9-11.6 (Minor Modifications of Conditions in Conditional Use Permits Zoning Districts or Special Use Permits), the Planning Board may approve minor modifications of the conditions in the Special Use Permit where such modifications will result in equal or better performance, provided that the objective and purpose of the requirements and conditions of the Special Use Permit are maintained."

Section 9. That Section 30-3-17, Zoning Changes in Historic Districts, is hereby amended by rewriting the first paragraph in the section to read as follows:

"Requests for changes in zoning classification, Conditional Use Permits Zoning Districts, or Special Use Permits for property within a historic district shall be processed and considered in the same procedure as set forth for zoning map amendments (Section 30-3-12) except for the following:"

Section 10. That Section 30-3-20, Transportation Impact Study (TIS), is hereby amended by rewriting the second paragraph to read as follows:

"When sufficient information on the proposed development is available for GDOT to determine that the aforementioned criteria is met, a TIS shall be submitted with all preliminary plats, site plans, site plan revisions, Special Use Permit applications, Conditional Use rezoning applications, and Conditional Use original zoning applications where the proposed City of Greensboro zoning entails greater trip generation than does the existing County zoning. The trip rates shall be based on trip generation rates contained in the latest edition of *Trip Generation* published by the Institute of Transportation Engineers or any local trip generation rates either published or approved by GDOT. Additional trips shall be determined by subtracting the gross trip generation of the existing use from the gross trip generation of the proposed use. The additional trip calculation shall apply to property that is occupied at the time of submittal or has been occupied at any time prior to submittal.

Section 11. That Section 30-4-1, Districts Established and Described, is hereby amended by rewriting the title of Subsection 30-4-1.1 to read as follows:

"30-4-1.1. General Zoning Use Districts."

Section 12. That Section 30-4-1.2, Conditional Use Districts, is hereby amended by rewriting the Section to read as follows:

“30-4-1.2 Conditional Use Zoning Districts

(A) Purpose: ~~Establishment of a Conditional Use District is appropriate where development of property in a specific manner will lessen adverse effects upon surrounding properties or ensure development in accordance with the principles underlying the comprehensive plan or comprehensive zoning map. Conditions included by the property owner in the Conditional Use Permit application and approved by the City shall apply.~~ Conditional Zoning Districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted comprehensive plan, and adopted district and area plans. The review process established in Section 30-3-13 (Conditional Zoning Districts) provides for the accommodation of such uses by a reclassification of property into a Conditional Zoning District, subject to specific conditions, which ensure compatibility of the use with the use and enjoyment of neighboring properties.

(B) ~~Companion~~ Parallel Conditional Zoning Districts Established: A parallel Conditional Zoning District is a zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a General Zoning District having a parallel designation or name. A Conditional Use Zoning District, bearing the designation CU CD, is hereby established as a companion parallel district for every district established in Section 30-4-1.1 (General Zoning Use Districts). These districts are CU CD-AG, CU CD-RS-40, CU CD-RS-30, CU CD-RS-20, CU CD-RS-15, CU CD-RS-12, CU CD-RS-9, CU CD-RS-7, CU CD-RS-5, CU CD-RM-5, CU CD-RM-8, CU CD-RM-12, CU CD-RM-18, CU CD-RM-26, CU CD-LO, CU CD-GO-M, CU CD-GO-H, CU CD-NB, CU CD-LB, CU CD-GB, CU CD-HB, CU CD-CB, CU CD-SC, CU CD-CP, CU CD-LI, CU CD-HI, and CU CD-PI. All regulations which apply to a General Zoning Use District shall also apply to the companion parallel Conditional Use Zoning District.

(C) Conditional Use - Planned Unit Development Zoning Districts Established:

- 1) ~~CU CD-PDR~~ CONDITIONAL USE - PLANNED UNIT DEVELOPMENT - RESIDENTIAL DISTRICT. - The ~~CU CD-PDR~~, Conditional Use - Planned Unit Development - Residential District is intended to accommodate a variety of housing types developed on large tracts in accordance with a Unified Development Plan. The ~~CU CD-PDR~~ District also accommodates neighborhood business and office uses which primarily serve nearby residents.
- 2) ~~CU CD-PDM~~ CONDITIONAL USE - PLANNED UNIT DEVELOPMENT - MIXED DISTRICT. - The ~~CU CD-PDM~~, Conditional Use - Planned Unit Development - Mixed District is intended to accommodate residential, commercial, and light industrial uses developed on large tracts in accordance with a Unified Development Plan.
- 3) ~~CU CD-PDI~~ CONDITIONAL USE - PLANNED UNIT DEVELOPMENT - INFILL DISTRICT. - The ~~CU CD-PDI~~, Conditional Use - Planned Unit Development - Infill District is intended to accommodate residential, commercial, office, and neighborhood business uses developed on small tracts

of land as infill development within currently built up area in accordance with a Unified Development Plan.”

Section 13. That Subsection 30-4-1.3, Overlay Districts, is hereby amended by rewriting the first sentence of the subsection to read as follows:

“Overlay Districts establish regulations for certain areas in addition to the regulations of the underlying General ~~Zoning Use~~ or Conditional ~~Use Zoning~~ District(s).

Section 14. That Section 30-4-3, Planned Unit Development District Requirements, is hereby amended by rewriting the first sentence of Subsection 30-4-3.1(A), Findings, to read as follows:

“(A) Findings: Applications for Conditional ~~Use~~ - Planned Unit Development Districts shall be approved only if all of the following findings are made:”

Section 15. That Section 30-4-3, Planned Unit Development District Requirements, is hereby amended by rewriting Subsection 30-4-3.1(B), Effect of Approval, to read as follows:

“(B) Effect of Approval: The approved Conditional ~~Use Permit Zoning Site Plan~~ and the approved Unified Development Plan shall govern all uses and development activities in a planned unit development. Any use or development activity not in conformance with ~~this permit and these plans~~ shall constitute a violation of this Ordinance and shall be subject to the enforcement remedies in Article VIII (Enforcement).

Section 16. That Section 30-4-3, Planned Unit Development District Requirements, is hereby amended by rewriting Subsection 30-4-3.2, Minimum Size and Uses Allowed, to read as follows:

“30-4-3.2 Minimum Size and Uses Allowed

(A) Conditional ~~Use~~ - Planned Unit Development - Residential (~~CU CD~~-PDR):

- 1) Minimum Size: No ~~CU CD~~-PDR District shall be approved for a site of less than twenty-five (25) contiguous acres under unified ownership or control.
- 2) Uses Allowed: A ~~CU CD~~-PDR District allows all uses permitted in residential districts, in the Neighborhood Business (NB) District, or in the Limited Office (LO) District.

(B) Conditional ~~Use~~ - Planned Unit Development - Mixed (~~CU CD~~-PDM):

- 1) Minimum Size: No ~~CU CD~~-PDM District shall be approved for a site of less than twenty-five (25) contiguous acres under unified ownership or control.
- 2) Uses Allowed: A ~~CU CD~~-PDM District allows all permitted uses except those uses which are only allowed in the Heavy Industrial (HI) District or the Agricultural (AG) District.

(C) Conditional ~~Use~~ - Planned Unit Development - Infill (~~CU CD~~-PDI):

- 1) Minimum Size: No ~~CU CD~~-PDI District shall be approved for a site of less than one-half (0.5) acre or greater than twenty-five (25) contiguous acres under unified ownership or control.
- 2) Location: A ~~CU CD~~-PDI District shall only be approved if it is surrounded by properties that are improved or had previously been improved (with buildings or structures). The district cannot be established where the subject property or adjacent property has been in agricultural production within the past five years.
- 3) Uses Allowed: A ~~CU CD~~-PDI District allows all the uses permitted in residential, office, and commercial districts.”

Section 17. That Section 30-4-3, Planned Unit Development District Requirements, is hereby amended by rewriting the first paragraph of Subsection 30-4-3.3, Development Standards, to read as follows:

“30-4-3.3 Development Standards

Those development standards in Articles IV, V, and VI pertaining to density, size, location, and arrangement of buildings and structures; lot dimensions; and landscaping are waived in ~~CU~~ CD-PDR, ~~CU~~ CD-PDM, and ~~CU~~ CD-PDI Districts. The development standards below in this Section, those in the approved Unified Development Plan, and any in the approved Conditional ~~Use Permit~~ Zoning Site Plan shall apply.”

Section 18. That Section 30-4-3, Planned Unit Development District Requirements, is hereby amended by rewriting Subsection 30-4-3.3(A), Dimensional Standards, to read as follows:

“(A) Dimensional Standards: The dimensional standards of this Ordinance are waived in ~~CU~~ CD-PDR, ~~CU~~ CD-PDM, and ~~CU~~ CD-PDI Districts except that in ~~CU~~ CD-PDR and ~~CU~~ CD-PDM Districts within fifty (50) feet of any RS district, the height regulations of that RS district shall apply.”

Section 19. That Section 30-4-3, Planned Unit Development District Requirements is hereby amended by rewriting Subsection 30-4-3.3(C), Commercial Areas, to read as follows:

“(C) Commercial Areas:

- 1) Commercial areas and adjacent residential, office, and industrial areas in all ~~CU~~ CD-PD Districts shall be arranged to promote pedestrian access between and within such areas.
- 2) Commercial uses in a ~~CU~~ CD-PDR District shall be located on and shall face an internal street of the development.
- 3) Ten percent (10%) of the total land area in a ~~CU~~ CD-PDR District may be occupied by or used for commercial purposes, provided that at no time shall the cumulative amount of land developed for commercial purposes exceed the cumulative amount of land developed for residential purposes.
- 4) Commercial areas are permitted in a ~~CU~~ CD-PDR District if they are designed and located to serve primarily the residents of the planned unit development.”

Section 20. That Section 30-4-3, Planned Unit Development District Requirements, is hereby amended by rewriting Subsection 30-4-3.3(E), Context, to read as follows:

“(E) Context: The height, building coverage, setbacks, and land uses along the perimeter of all ~~CU~~ CD-PD Districts shall be in harmony with development on adjacent lands. Such boundary treatment is not required where the perimeter of a ~~CU~~ CD-PDR, ~~CU~~ CD-PDM, or ~~CU~~ CD-PDI District is along the right-of-way of a railroad or street that is already constructed or is being constructed as part of the planned unit development. At other locations, development in a ~~CU~~ CD-PDR or ~~CU~~ CD-PDM District shall either provide a Type A planting yard or comply with 1) or 2) of the following, and development in a ~~CU~~ CD-PDI District shall comply with 3) and 4) of the following.

- 1) The scale and setbacks of buildings and structures in a ~~CU~~ CD-PDR and ~~CU~~ CD-PDM District within one hundred and fifty (150) feet of the perimeter of the planned unit development shall be in harmony with development on adjacent lands.

2) No commercial or industrial use in a ~~CU~~ CD-PDR or ~~CU~~ CD-PDM District shall be permitted within one hundred and fifty (150) feet of the perimeter of the planned unit development unless the adjacent zoning district permits the same or a similar use adjacent to the perimeter at the time of zoning district approval.

3) Where a ~~CU~~ CD-PDI District is established on property which shares a block face with property already improved (with buildings and structures), development within the ~~CU~~ CD-PDI shall not exceed the maximum or minimum height, lot coverage, or setbacks set by those improvements.

4) No nonresidential use in a ~~CU~~ CD-PDI District shall be permitted within seventy-five (75) feet of the perimeter of a planned unit development, unless the adjoining zoning district permits the same or similar uses adjacent to the perimeter.”

Section 21. That Section 30-4-3, Planned Unit Development District Requirements, is hereby amended by changing the table in Subsection 30-4-3.3(F), Signs, to read as follows:

<i>Predominant Use in Section of PUD</i>	<i>No Less Restrictive than</i>
Residential areas	RM-12
Office areas	LO
Commercial areas in CU <u>CD</u> -PDR	NB
Commercial areas in CU <u>CD</u> -PDM	LB
Industrial areas	CP

Section 22. That Section 30-4-3, Planned Unit Development District Requirements, is hereby amended by rewriting item (7) under Subsection 30-4-3.3(I), Open Space and Common Recreational Facilities, to read as follows

“(7) The Technical Review Committee/Planning Board may reduce the required open space in any ~~CU~~ CD-PD District, depending upon the nature and extent of active recreational facilities provided.”

Section 23. That Section 30-4-3, Planned Unit Development District Requirements, is hereby amended by rewriting the first part of Subsection 30-4-3.4(A)(1) to read as follows:

“(A) Rezoning to a Conditional ~~Use~~ - Planned Unit Development District:

(1) Prior to submitting an application for rezoning to a ~~CU~~ CD-PD District the applicant shall submit a Sketch Plan prepared in accordance with Appendix 2 (Map Standards) that also includes:”

Section 24. That Section 30-4-3, Planned Unit Development District Requirements, is hereby amended by rewriting Subsection 30-4-3.4(A)(3)(a) and (b) to read as follows:

“(3) The rezoning application shall consist of the following materials:

(a) A rezoning application prepared in accordance with Section 30-3-13 (Conditional ~~Use~~ Zoning Districts ~~and Conditional Use Permits~~).

(b) The Sketch Plan approved by the Technical Review Committee for submission. This Sketch Plan constitutes a map-based presentation of proposed zoning conditions attached to the Conditional ~~Use Permit~~ Zoning District application. It does not constitute a Conditional ~~Use~~

Zoning Site Plan as required by Section 30-3-14.3 (Submission of Site Plans).”

Section 25. That Section 30-4-3, Planned Unit Development District Requirements, is hereby amended by rewriting Subsection 30-4-3.4(A)(6) to read as follows:

“(6) Any proposed change in use, increase in density/intensity, decrease in open space and common recreational facilities, or substantial change in the location of permitted uses or streets from what is shown on the approved Sketch Plan shall be deemed a major change requiring an amendment of the Conditional ~~Use Permit~~ Zoning District in accordance with Article III. Factors to be considered by the Enforcement Officer in determining if a change is substantial include, but are not limited to, the extent of the locational change and the expected impact on properties adjacent to the planned unit development.”

Section 26. That Section 30-4-3, Planned Unit Development District Requirements, is hereby amended by rewriting Subsection 30-4-3.4(B)(1) to read as follows:

“(B) Unified Development Plan Approval:

1) The applicant shall submit a Unified Development Plan for approval by the Planning Board. The Unified Development Plan and all subsequent preliminary plats and site plans pursuant to it constitute Conditional ~~Use~~ Zoning Site Plans as required by Section 30-3-13.2(F) (Submission of Site Plans).”

Section 27. That Section 30-4-3.5, Phased Development, is hereby amended by rewriting subsection (B)(2) to read as follows:

“(2) There is no violation of the Unified Development Plan or Conditional ~~Use Permit~~ Zoning District in any previous phase.”

Section 28. That Section 30-9-1.2, Notice, is hereby amended by rewriting the first paragraph in Subsection (A) to read as follows:

“(A) Rezoning, Special Use Permit, Conditional ~~Use Permit~~ Zoning, Special Exception, or Variance: Whenever there is a request for a zoning map amendment, Special Use Permit, Conditional ~~Use Permit~~ Zoning District, special exception, or variance involving a parcel of land, the owner of that parcel of land and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the county tax listing shall be mailed a notice of the request.”

Section 29. That Section 30-9-3.4, Powers and Duties, is hereby amended by rewriting Subsection (A) to read as follows:

“(A) To initiate, hear, and decide matters in accordance with the terms of this Ordinance, such as zoning map amendments, Conditional ~~Use Permits~~ Zoning applications, and Special Use Permits;”

Section 30. That Section 30-9-5.4, Powers and Duties, is hereby amended by rewriting Subsection (D) to read as follows:

“(D) To make recommendations to the Zoning Commission and City Council concerning requests for zoning map amendments, Conditional ~~Use Permits~~ Zoning Districts, or Special Use Permits affecting historic properties or districts; and to make recommendations to the Board of Adjustment concerning variances or special exceptions affecting historic properties or districts;”

Section 31. That Section 30-9-11.3, Approval Body, is hereby amended by rewriting the section to read as follows:

“Recognizing that the evaluation of proposed alternate means intended to offer equal or better performance normally requires technical expertise and is best accomplished in conjunction with review of development plans, the City Council hereby designates the Technical Review Committee to be the appropriate planning agency to approve modifications, except as otherwise provided in Section 30-9-11.5 (Modification of General Watershed Area and Watershed Critical Area Standards) and in Section 9.11.6 (Minor Modifications of Conditions in Conditional ~~Use Permits~~ Zoning Districts or Special Use Permits).”

Section 32. That Section 30- 9-11.6 Minor Modifications of Conditions in Conditional Use Permits or Special Use Permits, is hereby amended by rewriting the title and the section to read as follows:

“30-9-11.6 Minor Modifications of Conditions in Conditional ~~Use Permits~~ Zoning Districts or Special Use Permits.

Recognizing that the evaluation of requests for minor modifications of conditions in Conditional ~~Use Permits~~ Zoning Districts and Special Use Permits involves both technical evaluations and evaluations made in light of policies underlying the conditions, the City Council hereby designates the Planning Board to be the appropriate planning agency to approve such minor modifications, after receipt of a report from the Technical Review Committee.”

Section 33. That Section 30-9-12.5, City Council, is hereby amended by rewriting the section to read as follows:

“Appeals from a decision of the Planning Board or Zoning Commission with regard to zoning map amendments, Conditional ~~Use Permits~~ Zoning Districts, Special Use Permits, watershed modifications, subdivisions, or site plans shall be to the City Council.”

Section 34. The provisions of this ordinance shall not affect Conditional Use Permits approved prior to the effective date of this ordinance, and properties which are the subject of approved Conditional Use Permits shall continue to be governed by the conditions of such permits. Amendments to such permits which are approved after the effective date of this ordinance, but before January 1, 2013, shall conform to all provisions of this ordinance. On and after January 1, 2013 all provisions of this ordinance shall apply to all properties which are the subject of Conditional Use Permits approved prior to the effective date of this ordinance; however, all conditions contained in such Conditional Use Permits shall remain valid, until amended, unless such conditions are in conflict with this ordinance, any federal or state laws, or other existing city ordinances. In such situations, the more restrictive condition or law shall govern.

Section 35. The Official Zoning Map is hereby amended by converting all zoning district classifications designated as “conditional use” and indicated on the map as “CU-“ to “conditional district” and indicated on the map as “CD-“ for all applicable properties within the City’s zoning jurisdiction.

Section 36. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 37. This ordinance shall become effective on May 17, 2003.

(Signed) Florence F. Gatten

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution authorizing economic development incentive funding for construction improvements not to exceed the amount of \$314,000.

Assistant City Manager Ben Brown briefly reviewed the economic development incentive funding for the development of new construction in order to expand the existing facility. He used slides to provide information about new investment, job creation and estimated City property tax yield over a three-year period and the economic development incentive request not to exceed \$314,000.

The Mayor asked if anyone wished to be heard.

Andy Burke, residing at 2414 Regents Park Lane and President of Greensboro Economic Development Partnership, spoke to Partnership's mission to attract new jobs and capital investment for Greensboro and Guilford County; he stated in light of the current state of the economy, their work included efforts to retain and expand existing industries. He stated that other communities were working to attract companies like R. F. Micro Devices, Inc., noted the company's many options for expansion at other locations, stated that R. F. Micro Devices, Inc. was the 3rd largest taxpayer in Greensboro and a good corporate citizen. Mr. Burke spoke to the operation of the company and provided information with respect to employment, salaries and benefits, work environment, etc.; he stated further that the State of North Carolina was considering a \$500,000 contribution contingent upon support for this expansion by the City of Greensboro and Guilford County. He requested the Council to demonstrate support of existing businesses by approving this funding request.

Richard Beard, with Development Advisors, Madison, NC, the site location firm that represented RF Micro on this and other projects, requested the Council to approve the funding request. Mr. Beard provided a history of the company and its earlier request for assistance which had led the company's board of directors to locate in Greensboro; he spoke to the proposed use of economic development funding to assist in the growth of the company and create many other benefits for the community. Later in the meeting Mr. Beard spoke to sizeable incentives offered by other states and cities to entice companies to relocate.

Suzanne Rudy, Vice President and Corporate Treasurer, R. F. Micro Devices, spoke to the past request to the City for funding; provided information about the operation of the company, employees, and the State's possible investment in the expansion she detailed the company's responsibility to shareholders, and requested Council's continued support by approving the incentive funding.

Councilmember Vaughan moved to close the public hearing. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

Members of Council discussed personal opinions and comments with regard to the rationale for the amount requested, the proposed expansion project, the company's obligation to its shareholders to request available economic development incentive funding, the overall economic incentives debate, the desire to support existing companies, etc. Stating that his negative vote had nothing to do with R. F. Micro Devices, Inc., Councilmember Phillips stated he had a problem with the current policy and economic development incentives and could not support the request. Councilmember Carmany stated she wouldn't support the request because she believed the City had already provided the Company with indirect incentives to keep the facility in Greensboro through the provision of roadway improvements to alleviate traffic congestion problems for the company.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Gatten, Holliday, Jessup, Johnson, Perkins and Vaughan. Noes: Carmany and Phillips.

94-03 RESOLUTION AUTHORIZING ECONOMIC DEVELOPMENT INCENTIVE FUNDING FOR CONSTRUCTION IMPROVEMENTS NOT TO EXCEED THE AMOUNT OF \$314,000.00

WHEREAS, the City Council approved and adopted economic development incentive guidelines on December 5, 1994, and amended these guidelines on June 25, 1996, whereby the City will participate financially in the development of a certain private and/or infrastructure improvements to promote economic development in accordance with said guidelines;

WHEREAS, R. F. Micro Devices, Inc. Devices, Inc. is planning to expand its current facilities inside the corporate limits of the City of Greensboro;

WHEREAS, R. F. Micro Devices, Inc. Devices, Inc., has requested that the City offer economic incentives to provide a grant reimbursement for various site improvements, which amount of participation is presently

estimated at \$314,000.00 based on a portion of anticipated taxes to be derived by the City over a three-year period upon completion of the project;

WHEREAS, it is further anticipated that R. F. Micro Devices, Inc. Devices, Inc., will invest nearly \$40 million dollars in improvements and equipment and employ up to 50 additional persons by December 2004, bringing the total number of employees at their various Greensboro locations to 1313;

WHEREAS, a public hearing has been held in accordance with N.C.G.S. 158-7.1 setting out the particulars of the request and the public benefits to be derived from said improvements;

WHEREAS, it is deemed in the best interest of the City to enter into a participatory agreement with R. F. Micro Devices, Inc. Devices, Inc. to share the cost of the above mentioned improvements whereby the City shall reimburse R. F. Micro Devices, Inc. Devices, Inc., up to a maximum of \$314,000.00 based on a portion of new anticipated taxes to be received from the new project over a period of three years.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That in accordance with the City's economic development incentive guidelines and pursuant to N.C.G.S. 158-7.1, a grant reimbursement and participatory agreement between the City of Greensboro and R. F. Micro Devices, Inc. Devices, Inc., for site improvements is hereby approved, and the Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Greensboro, the proper agreement.

(Signed) Yvonne J. Johnson

(A copy of Mr. Brown's presentation is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Mayor Holliday recognized Helen Kaufman, recently hired by Forward Greensboro to focus on current businesses in the City of Greensboro and provide assistance to help them stay in the City, expand and progress. He expressed appreciation for what she would undertake in her future efforts and stated the City looked forward to working with her.

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution authorizing the submission of a one-year action plan for Community Development Block Grant (CDBG) funding for the 2003-2004 fiscal year. He thereupon introduced so these matters could be discussed together, a resolution authorizing the submission of a one-year action plan for Home Consortium Funds and the conduct of Home Consortium activities for the 2003-2004 fiscal year and a resolution authorizing the submission of a one-year action plan for housing opportunities for persons with Aids (HOPWA) program funds and the conduct of HOPWA Program activities for the 2003-2004 fiscal year.

Andy Scott, Housing and Community Development Department Director, spoke to the various schedules involved with the preparation/submission of his department's budget and emphasized that the final, recommended budget was included in the budget the City Manager presented to Council. He provided details with regard to the Federal deadlines, stated the plan Council was asked to approve at this meeting would be submitted to Housing and Urban Development (HUD) in order to meet the established deadline for applications, and advised the budget could be revised at a later time; he advised the budget contained no human services funding. Mr. Scott presented a PowerPoint presentation with regard to the Proposed 2003-04 Housing and Community Development Plan; i.e., HCD's Mission; Sources of Funds; Proposed Use of Funds; Economic Development—a new program to enable the City to be proactive in supporting businesses in south and east Greensboro, providing funds for education and training services, and continue S. Elm St. Brownfield Study; Neighborhood Development; Affordable Housing; and the differences between the 02-03 and 03-04 proposals. Mr. Scott expressed appreciation to those who had

contributed to the plan and to Council for its support. (A copy of the presentation is filed with Resolution 95-03 and is hereby referred to and made a part of these minutes.)

The Mayor asked if anyone wished to be heard.

Members of Council discussed at length with Mr. Scott the overall planning activities; the addition in the future of new neighborhoods for rehabilitation; the work of the Community Resource Board (CRB) and their difficult decisions in making its recommendations; the department's loan program; the ability of Council to amend this plan before adoption of the 03-04 Annual Budget; the new Economic Development program—details with regard to implementation and success in other municipalities; the desire to include the Rankin School Multi-family Project in this year's budget; etc.

After lengthy discussion, Councilmember Phillips moved that the 2003-2004 Housing and Community Development Plan be amended to include \$317,000 for the Rankin School Multi-family Project. The motion was seconded by Councilmember Vaughan.

The Manager and Mr. Scott clarified that the amendment signaled staff and the Federal agency that they wanted both multi-family projects funded in this budget and that staff would work to make appropriate changes to the plan to provide the necessary funding for both projects.

Mayor Holliday asked if anyone wished to be heard.

George Carr, residing at 2310 Princess Ann Street, provided details with regard to the proposed development of Rankin School Multi-family Project to provide affordable housing for elderly citizens. He provided information about the affordability for citizens, federal tax credits, the receipt of grant monies, and compared the proposed development to other similar projects in Greensboro. He requested the Council to consider making a \$330,000 loan commitment, but stated the project could be altered to \$317,000.

David Levy, Executive Director of Affordable Housing Management, provided detailed information with regard the proposed multi-family housing development at Windhill Court which had been recommended for funding by the CRB; he stated this development involved public/private partnership and provided affordable housing for citizens. Mr. Levy also spoke to the success of this group's earlier project, Windhill.

Councilmember Gatten moved to close the public hearing. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

The earlier motion to amend the 2003-2004 Housing and Community Development Plan to include \$317,000 for the Rankin School Multi-family Project was thereupon adopted unanimously by voice vote of Council.

Councilmember Gatten moved adoption of the resolution authorizing the submission of a one-year action plan for Community Development Block Grant (CDBG) funding for the 2003-2004 fiscal year, as amended. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

95-03 RESOLUTION AUTHORIZING THE SUBMISSION OF A ONE-YEAR ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR THE 2003-2004 FISCAL YEAR

WHEREAS, the Department of Housing and Community Development has prepared the 2003-2004 Action Plan that states goals and objectives for affordable housing, neighborhood development, and economic development for the coming year; and

WHEREAS, after holding a public hearing to receive public comment, the Community Resource Board has recommended the 2003-2004 Housing and Community Development Plan to the City Council for consideration; and

WHEREAS, under Title 1 of the Housing and Community Development Act of 1974 (Public Law 93-383), as amended, the Secretary of the Department of Housing and Urban Development is authorized to make Community Development Block Grants (CDBG) for the conduct of Community Development Programs; and

WHEREAS, it is desirable and in the public interest for the City of Greensboro to prepare and submit a One-year Action Plan for conducting Community Development activities in the City of Greensboro; and

WHEREAS, it is understood that acceptance of a Community Development Block Grant obligates the City of Greensboro to conduct and administer Community Development Program activities in accordance with the requirements of Title 1 of the Housing and Community Development Act of 1974, as amended, applicable Federal and State laws, and implementing rules and regulations officially adopted by the Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO;

1. That the 2003-2004 Housing and Community Development Plan is hereby approved as recommended by the Community Resource Board.
2. That the submission of a One-Year Action Plan for a Community Development Block Grant in the amount of \$3,107,000 is hereby authorized and approved.
3. That the conduct of Community Development Block Grant activities in whole or in part by the City of Greensboro and/or designees is hereby authorized and approved.
4. That the City of Greensboro is fully cognizant of the obligations, responsibilities, and requirements accompanying the acceptance of a Community Development Block Grant and that it is the sense of this body that such obligations, responsibilities, and requirements will be fulfilled.
5. That the City Manager is designated as the official representative of the City of Greensboro, and is authorized to submit the final statement, all understandings and assurances contained therein, and directed to act in connection with the submission of the final statement and to provide such additional information as may be required.
6. That the City Manager, as Chief Executive Officer, is authorized and consents on behalf of the City of Greensboro and himself (1) to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such act apply to the administration and conduct of local Community Development Program activities as referred to above; and (2) to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

(Signed) Florence F. Gatten

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Councilmember Carmany moved adoption of the resolution authorizing the submission of a one-year action plan for Home Consortium Funds and the conduct of Home Consortium activities for the 2003-2004 fiscal year. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

96-03 RESOLUTION AUTHORIZING THE SUBMISSION OF A ONE-YEAR ACTION PLAN FOR HOME CONSORTIUM FUNDS AND THE CONDUCT OF HOME CONSORTIUM ACTIVITIES FOR THE 2003-2004 FISCAL YEAR

WHEREAS, under the Cranston-Gonzalez National Affordable Housing Act of 1990, the Secretary of the Department of Housing and Urban Development is authorized to make HOME Program grants for the conduct of HOME Programs; and

WHEREAS, the City of Greensboro, Guilford County, the City of High Point, the City of Burlington, and Alamance County have formed a Housing Consortium to receive HOME funding; and

WHEREAS, the City of Greensboro, as Lead Entity for the Greensboro/Guilford/ High Point/Burlington/Alamance Housing Consortium, is responsible for submitting all Federal applications and reports; and

WHEREAS, each Consortium member developed their HOME funding plan and conducted their own citizen participation process; and

WHEREAS, the City of Greensboro has prepared a One Year Action Plan for the 2003-2004 Fiscal Year for the Consortium; and

WHEREAS, it is understood that acceptance of a HOME Program Grant obligates the City of Greensboro to conduct and administer HOME Program activities in accordance with the requirements of the Cranston-Gonzales National Affordable Housing Act of 1990, as amended, applicable Federal and State Laws, and implementing rules and regulations officially adopted by the Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the submission of a consolidated application for the Greensboro/Guilford/ High Point/Burlington/Alamance Housing Consortium HOME funding in the amount of \$2,357,636 is hereby authorized and approved.
2. That the One Year Action Plan for the Consortium is hereby approved.
3. That the City of Greensboro and each member jurisdiction will provide any required local match from non-federal funds.
4. That the conduct of HOME Program activities in whole or in part by the City of Greensboro and/or designees is hereby authorized and approved.
5. That the City of Greensboro and each member of the Consortium is fully cognizant of the obligations, responsibilities, and requirements accompanying the acceptance of a HOME Grant and that it is the sense of this body that such obligations, responsibilities, and requirements will be fulfilled.
6. That the City Manager is designated as the official representative of the City of Greensboro, and is authorized to submit the final statement, all understandings and assurances contained therein, and directed to act in connection with the submission of the final statement and to provide such additional information as may be required.
7. That the City Manager, as Chief Executive Officer, is authorized and consents on behalf of the City of Greensboro and himself (1) to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such act apply to the administration and conduct of local HOME Program activities as referred to above; and (2) to accept the jurisdiction of the federal courts for the purpose of enforcement of his responsibilities as such an official.

(Signed) Sandy Carmany

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Councilmember Burroughs-White moved adoption of the resolution authorizing submission of a one-year action plan for housing opportunities for persons with Aids (HOPWA) program funds and the conduct of HOPWA Program activities for the 2003-2004 fiscal year. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

97-03 RESOLUTION AUTHORIZING THE SUBMISSION OF A ONE-YEAR ACTION PLAN FOR HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM FUNDS AND THE CONDUCT OF HOPWA PROGRAM ACTIVITIES FOR THE 2003-2004 FISCAL YEAR

WHEREAS, the Secretary of the Department of Housing and Urban Development is authorized to make HOPWA Program grants for the conduct of HOPWA Programs; and

WHEREAS, representatives from the 8-county Greensboro/Winston-Salem Eligible Metropolitan Statistical Area (EMSA) have reviewed funding requests and approved a funding plan for FY 2003-04; and

WHEREAS, the City of Greensboro, as Qualifying City for the EMSA, is responsible for submitting all Federal applications and reports; and

WHEREAS, the City of Greensboro has prepared a One Year Action Plan for the 2003-2004 Fiscal Year that includes the HOPWA Program funds for the EMSA; and

WHEREAS, it is understood that acceptance of a HOPWA Program Grant obligates the City of Greensboro to conduct and administer HOPWA Program activities in accordance with the applicable Federal and State Laws, and implementing rules and regulations officially adopted by the Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

8. That the submission of a consolidated application for the HOPWA Program funds for the EMSA in the amount of \$438,000 is hereby authorized and approved.
9. That the One Year Action Plan for the HOPWA Program is hereby approved.
10. That the conduct of HOPWA Program activities in whole or in part by the City of Greensboro and/or designees is hereby authorized and approved.
11. That the City of Greensboro is fully cognizant of the obligations, responsibilities, and requirements accompanying the acceptance of a HOPWA Grant and that it is the sense of this body that such obligations, responsibilities, and requirements will be fulfilled.
12. That the City Manager is designated as the official representative of the City of Greensboro, is authorized to submit the final statement, all understandings and assurances contained therein, and directed to act in connection with the submission of the final statement and to provide such additional information as may be required.
13. That the City Manager, as Chief Executive Officer, is authorized and consents on behalf of the City of Greensboro and himself (1) to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such act apply to the administration and conduct of local HOPWA Program activities as referred to above; and (2) to accept the jurisdiction of the federal courts for the purpose of enforcement of his responsibilities as such an official.

(Signed) Claudette Burroughs-White

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Moving to the Consent Agenda, Councilmember Phillips moved adoption of all ordinances, resolutions and motion listed on the Consent Agenda. The motion was seconded by Councilmember Carmany; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

98-03 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2003-01 WITH THOMPSON ARTHUR PAVING COMPANY FOR THE RESURFACING OF STREETS

WHEREAS, Contract No. 2003-01 with Thompson Arthur Paving Company provides for the resurfacing of street segments throughout the City;

WHEREAS, due to weather conditions encountered since the patching marked in November, additional areas now need patching thereby necessitating a change order in the contract in the amount of \$282,263.50.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Thompson Arthur Paving Company for the resurfacing of street segments throughout the city is hereby authorized at a total cost of \$282,263.50, payment of said additional amount to be made from Account No. 202-6001-01.5611.

(Signed) Thomas M. Phillips

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99-03 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2002-34 WITH RAMEY, INC. FOR WATER LINE IMPROVEMENTS

WHEREAS, Contract No. 2002-34 with Ramey, Inc. provides for water line improvements on various streets throughout the City;

WHEREAS, there is a need to add a 6" water line on Lake Brandt Road for construction this season, thereby necessitating a change order in the contract in the amount of \$75,670.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Ramey, Inc. for the water line improvements is hereby authorized at a total cost of \$75,670.00, payment of said additional amount to be made from Account No. 503-7012-01.6016 CBR 003.

(Signed) Thomas M. Phillips

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100-03 RESOLUTION APPROVING AND AUTHORIZING ADJUSTMENT TO WATER AND SEWER BILL TO RIDGE CREEK HOMEOWNERS ASSOCIATION FOR SERVICE TO 6472 BURLINGTON ROAD

WHEREAS, under the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro the Water Resources Customer Service Department is occasionally required to make adjustments to customer service bills;

WHEREAS, Ridge Creek Homeowners Association is the owner of property located at 6472 Burlington Road;

WHEREAS, the customer is within the new utility agreement area covered by the Burlington agreement and will be a Greensboro customer for the near future;

WHEREAS, Burlington uses a different style meter and our reader collected an extra "zero" digit from the register resulting in an overcharge and after discussions with the customer the city has calculated an adjustment of \$76,545.92 in accordance with the above mentioned Rules;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the reduction of this water bill is hereby approved and the Water Resources Customer Service Department is hereby authorized to reduce the bill to Ridge Creek Homeowners Association for service to 6472 Burlington Road by \$76,545.92.

(Signed) Thomas M. Phillips

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03-102 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF ACCRUED INTEREST TO THE 2002 LOCAL LAW ENFORCEMENT BLOCK GRANT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3575-01.5235	Small Tools & Equipment	<u>\$1,570</u>
TOTAL:		\$1,570

and, that this increase be financed by increasing the following State, Federal, and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3575-01.8500	Interest Earned-Other	<u>\$1,570</u>
TOTAL:		\$1,570

(Signed) Thomas M. Phillips

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03-103 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF ACCRUED INTEREST TO THE 2002 LOCAL LAW ENFORCEMENT BLOCK GRANT-MOBILE COMPUTER REPLACEMENT PROJECT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3572-01.5212	Computer Software	\$ <u>5,325</u>
TOTAL:		\$ 5,325

and, that this increase be financed by increasing the following State, Federal, and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3572-01.8500	Interest Earned-Other	\$ <u>5,325</u>
TOTAL:		\$5,325

(Signed) Thomas M. Phillips

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101-03 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF GLORIA V. SHEETZ & MONA V. TRUITT, IN CONNECTION WITH THE HAW RIVER WATERLINE PROJECT

WHEREAS, Gloria V. Sheetz & Mona V. Truitt are the owners of certain property located on Osceola-Ossipee Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Haw River Waterline Project;

WHEREAS, negotiations with the owners at the appraised value of \$646.88 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$646.88;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$646.88 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 503-7006-01.6011 CBR 001.

(Signed) Thomas M. Phillips

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102-03 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2003-15 WITH BRYANT ELECTRIC FOR REEDY FORK CREEK SANITARY SEWER

WHEREAS, after due notice, bids have been received for sanitary sewer improvements to serve Reedy Fork Creek;

WHEREAS, Bryant Electric, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,169,477.00 as general contractor for Contract No. 2003-15, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Bryant Electric is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 510-7044-04.6019 CBR 004.

(Signed) Thomas M. Phillips

(A tabulation of bids for the Reedy Fork Creek Sanitary Sewer is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of regular meeting of April 15, 2003 and special meeting of April 23, 2003 was unanimously adopted.

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Mayor Holliday introduced a resolution authorizing City Attorney to institute proceedings to condemn portion of the property of Otis Lockett, Sr. and wife, Barbara T. Lockett, and Dorothy O. Wallington and husband, Frank W. Wallington, in connection with the Aloe Road Improvements Project; he noted this matter was continued from the April 15, 2003 City Council meeting.

After brief discussion with regard to the continuance of this matter to ensure that property owners were notified, City Attorney advised that appropriate legal notices were sent.

Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

103-03 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF OTIS LOCKETT, SR. AND WIFE, BARBARA T. LOCKETT AND DOROTHY O. WALLINGTON AND HUSBAND FRANK W. WALLINGTON, IN CONNECTION WITH THE ALOE ROAD IMPROVEMENTS PROJECT

WHEREAS, Otis Lockett, Sr. and wife, Barbara T. Lockett and Dorothy O. Wallington and husband, Frank W. Wallington are the owners of certain property located on Aloe Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Aloe Road Improvements Project;

WHEREAS, negotiations with the owners at the appraised value of \$2,073.42 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$2,073.42;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$2,073.42 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 402-6001-01.6012 CBR 001.

(Signed) Donald R. Vaughan

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The Mayor introduced a resolution approving bid in the amount of \$9,603,000 and authorizing Contract No. 2003-12 with J. M. Thompson Company of Cary, NC for the Water Resources Operations Center, Police District 2 Building and Fire Station #11 Replacement (WROC 2-11); he noted this matter was continued from the April 15, 2003 Council meeting.

The Manager briefly described the project and construction of a new multiple use complex on City-owned property which would house the Water Resources Department and its multiple operations; he stated the project would also create a new facility for the Police District 2 operations and provide a replacement facility for Fire Station #11.

After brief discussion with regard to the fact that project had receive good bids and that this bid was significantly under estimate, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

104-03 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2003-12 WITH J.M. THOMPSON COMPANY OF CARY NC FOR THE WATER RESOURCES OPERATIONS CENTER, POLICE DISTRICT 2 BUILDING AND FIRE STATION #11 REPLACEMENT (WROC 2-11)

WHEREAS, after due notice, bids have been received for the construction of a new multiple use complex along South Elm-Eugene Street which will consist of a multi-function main building that will house the Water Resources Department, a new facility for the Police District 2 operations and a replacement facility for Fire Station #11;

WHEREAS, J.M. Thompson Company of Cary, NC a responsible bidder, has submitted the low base and alternate bid in the total amount of \$9,603,000.00 as general contractor for Contract No. 2003-12, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by J.M. Thompson Company of Cary, NC is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 445-4001-01.6013 CBR 001 and Account No. 446-3501-01.6013 CBR 001.

(Signed) Yvonne J. Johnson

(A tabulation of bids for the above project is filed with the resolution and is hereby referred to and made a part of the minutes.)

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Mayor Holliday introduced a resolution authorizing City Attorney to institute proceedings to condemn portion of the property of Fellowship Hall, Inc., in connection with the Bledsoe Lift Station Force Main Project; he thereupon introduced a resolution authorizing City Attorney to institute proceedings to condemn portion of the property of Portrait Homes Construction Company in connection with the Bledsoe Lift Station Force Main Project so these matters could be discussed together.

After brief comments by Councilmember Gatten and City Attorney Miles with regard to the extensive work that had been done to resolve these issues, they recommended that the Council move forward with the adoption of the resolutions to begin the proceedings to condemn the properties. After brief discussion, Councilmember Gatten moved adoption of the resolution authorizing City Attorney to institute proceedings to condemn portion of the

property of Fellowship Hall, Inc., in connection with the Bledsoe Lift Station Force Main Project. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

105-03 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PROPERTY OF FELLOWSHIP HALL, INC., IN CONNECTION WITH THE BLEDSOE LIFT STATION FORCE MAIN PROJECT

WHEREAS, Fellowship Hall, Inc. is the owner of certain property located 1932 near Fleming Road (Vacant Lot), said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Bledsoe Lift Station Force Main Project;

WHEREAS, negotiations with the owner at the appraised value of \$160,000.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner in the amount of \$160,000.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$160,000.00 to the Clerk of Superior Court as compensation to the owner, payment to be made from Account No. 503-7011-02.6012 CBR 005.

(Signed) Florence F. Gatten

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Councilmember Vaughan moved adoption of the resolution authorizing City Attorney to institute proceedings to condemn portion of the property of Portrait Homes Construction Company in connection with the Bledsoe Lift Station Force Main Project. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

106-03 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PROPERTY OF PORTRAIT HOMES CONSTRUCTION COMPANY, IN CONNECTION WITH THE BLEDSOE LIFT STATION FORCE MAIN PROJECT

WHEREAS, Portrait Homes Construction Company is the owner of certain property located on Horsepen Creek Road (Vacant Lot), said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Bledsoe Lift Station Force Main Project;

WHEREAS, negotiations with the owner at the appraised value of \$17,000.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner in the amount of \$17,000.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$17,000.00 to the Clerk of Superior Court as compensation to the owner, payment to be made from Account No. 503-7011-02.6012 CBR 005.

(Signed) Donald R. Vaughan

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Mayor Holliday introduced an ordinance amending in the amount of \$300,000 General Fund FY 02-03 Budget for Storm Debris Clean-up.

Stating the additional funds were needed to cover the cost of debris removal, the City Manager advised the City had applied for and anticipated receiving reimbursement from the Federal Emergency Management Agency (FEMA). He reviewed the clean-up efforts, including the current phase for which he had authorized overtime for City crews to collect debris to expedite the completion of this effort.

In response to Council's inquiry as to the rationale for not hiring more than one contractor, Assistant City Manager Mitchell Johnson stated that hiring multiple contractors would have resulted in a less effective clean-up process because of the challenge involved with managing the crews. He detailed the overall debris collection during the various phases using both City crews and outside contractors to remove huge amounts of debris. The Assistant City Manager stated that most of the City had been covered; however, he noted problems with some people/companies taking advantage of the less restrictive collection process.

Responding to an inquiry with regard to the quality of the work of the contractor hired for this debris collection, the Assistant City Manager spoke to the learning experience involved with the process to collect the extraordinary volume of debris from this storm and advised that higher standards would be included in future contracts.

Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-104 ORDINANCE AMENDING GENERAL FUND FY 02-03 BUDGET FOR STORM DEBRIS CLEAN-UP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the General Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-9550-99.5949	Miscellaneous	<u>\$300,000</u>
Total		\$300,000

and, that this increase be financed by increasing the following General Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-0000-00.8900	Appropriated Fund Balance	<u>\$300,000</u>
Total		\$300,000

(Signed) Claudette Burroughs-White

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The Mayor introduced a resolution adopting the Guilford County Solid Waste Management Plan.

Jeryl Covington, Environmental Services Department Director, stated that that Council had received the Guilford County's Solid Waste Plan (Plan) which represented a three-year update. Requesting that Council adopt the Plan, she stated that the Plan would then be presented to the Guilford County Board of Commissioners for adoption and with final to the State of North Carolina by June 30, 2003.

Ms. Covington provided a history of the adoption and implementation of the Plan; she provided a PowerPoint presentation to review and detail planning area goals, total waste managed, tons diverted by material type, percent diversion rates, waste estimate by sector, future waste tonnage projections, targeted waste reduction, planning elements and implementation schedule highlights. Ms. Covington expressed appreciation to her staff for their hard work. (A copy of the PowerPoint presentation and Ms. Covington's comments is filed with the resolution and is hereby referred to and made a part of these minutes.)

Council discussed with Ms. Covington the overall plan, the impact of the recent storm, goals for reduction, and the feasibility of developing regional solutions for solid waste management.

Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

107-03 RESOLUTION ADOPTING THE GUILFORD COUNTY SOLID WASTE MANAGEMENT PLAN

WHEREAS, the City of Greensboro participated in the updating process of the Guilford Solid Waste Management Plan;

WHEREAS, Guilford County, as the lead agency contracted with HDR Engineering, Inc. of the Carolinas to provide assistance to the County and municipalities with the collection of data, identification goals and objectives in order to establish waste reduction goals and review progress made with respect to the implementation of the 2000 Solid Waste Management Plan Update;

WHEREAS, in accordance with North Carolina General Statute 130A-309.09A(b) a Solid Waste Management Plan was established in 1997, updated in June 2000 and has been revised to reflect the modifications in this three-year Solid Waste Management Plan update;

WHEREAS, Guilford County's long-term goal is to reduce waste by 40 percent within the County and participating municipalities;

WHEREAS, the goals of the Solid Waste Management Plan update are to develop a Solid Waste Management Plan, which is in conformance with state requirements and local objectives; identify any deficiencies in existing solid waste management programs and systems, which must be addressed in order to meet local needs and protect public health and the environment; develop local reduction goals and programs for Guilford County and encourage public participation in the planning process; and determine the full costs of solid waste management in Guilford County, said plan presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Guilford County Solid Waste Management Plan is hereby adopted.

(Signed) Florence F. Gatten

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David Wharton, residing at 667 Percy Street, provided an update with regard to the Aycok Neighborhood Plan and invited Council to attend an upcoming tour of Historic Homes in this Neighborhood.

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The Mayor declared a recess at 10:10 p.m

The meeting reconvened at 10:23 p.m. with all members of Council present.

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Gene Manning, residing at 307 Leland Drive; Rebecca Ramey, residing at 2 Bent Oak Court; and Teresa Woods, residing at 4 Bent Oak Court; reiterated their concerns expressed when property in the area of Leland Drive was rezoned for the Blumenthal Jewish Home (Home). The expressed concern with regard to the extension of Wireless Drive into Leland Drive to serve the Home and offices; they offered personal opinions and concerns with regard to other traffic issues that they believed would adversely affect area residents and stated it was their understanding when the property was rezoned that there would be no negative impact on their neighborhood from the Home's development.

Council discussed at length with staff and the speakers various opinions and concerns with regard to the extension of Wireless Drive, the large amount of vacant property in the area that could be developed in the future, the existing roadway system in the area and access to the vacant property after its development, the City's legal obligation to accept dedicated streets, the purpose for stubbed streets, etc. Some members of Council expressed the desire to determine if the City could take action to minimize the impact of the extension of Wireless would have on the area.

Mr. Martin advised that because the final plat for this extension had been approved and recorded and that he was not aware of a way to stop the extension of Wireless Drive.

After additional discussion, Council directed that staff 1) look at traffic calming devices that would minimize the roadway's impact on the neighborhood; i.e., prohibit left turns at Leland and Lawndale Drives, 2) determine how much additional land along Wireless Drive could be developed, and 3) review other connectivity issues related to this area; i.e., feasibility of future requests for roadway extensions, etc.

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After Councilmember Vaughan requested information with regard to recently reported rapes in the UNCG area, the Manager advised staff would provide a report.

Councilmember Vaughan briefly discussed with the City Manager and City Attorney that portion of the Disbursements Report regarding vouchers to the Piedmont Land Conservancy for violations at North Buffalo Plant and Osborne Plant associated with the American Canoe settlement.

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Councilmember Johnson noted that Council had received a request from the Executive Director of the Carolina Theatre to provide funding for roof repairs at the Theatre. She thereupon moved that Council provide \$20,000 from Council Contingency funds to fund these repairs; the motion was seconded by Councilmember Jessup.

Council discussed various opinions and concerns with respect to this request and the operation of the Carolina Theatre in general; i.e., whether the Council should be involved with paying for routine repairs, the need for this facility to have a capital maintenance fund to cover unexpected expenditures, the suggestion that the facility could borrow the necessary funds from a bank, etc. Council also discussed possible future changes that could allow the Carolina Theatre to become independent and not operate under the United Arts Council, discussed the need for a long-term plan for the facility, and the need to develop a plan to redevelop the property around the Theatre.

After brief discussion with regard to the source of funding, Councilmember Johnson changed her earlier motion to provide the funds from the Downtown Fund; Councilmember Jessup concurred. The motion that Council provide \$20,000 from Downtown Funds to fund Carolina Theater roof repairs was thereupon adopted unanimously by voice vote.

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Councilmember Johnson advised that a report with respect to Willow Oaks had been placed in Council's mail drawers for review.

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Councilmembers Johnson and Burroughs-White congratulated James Howerton, City employee, and other members of the Greensboro Triad Chapter of the National Forum for Black Public Administrators (NFBPA) for its selection as Chapter of the Year.

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The Mayor and Council discussed events, recognitions, celebrations and meetings of interest to citizens and other Council members.

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Councilmember Burroughs-White added the name of Anne Rendleman Daniel to the boards and commissions data bank for consideration for future service.

Councilmember Burroughs-White moved that Walter T. Johnson, III, be appointed to serve a term on the Bryan Park Golf Commission in the position formerly held by William Spencer Gwynn; this term will expire February 1, 2006. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

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Councilmember Carmany provided an update with regard to the status of *NC Moving Ahead*, the proposal to issue millions of dollars of bonds for various transportation purposes.

Noting the Transportation Advisory Committee would be voting on the Airport Area Plan later in May, Councilmember Carmany requested that Council share any suggestions with the Mayor, Councilmember Vaughan or her.

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Councilmember Gatten added the name of Joseph Brower to the boards and commissions data bank for consideration for future service on the Library Board.

Councilmember Gatten moved that John Cross be appointed to serve a term on the Board of Adjustment in the position formerly held by Eric Sturdivant, resigned; this term will expire 15 June 2006. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council. (Note: upon expiration, Councilmember Burroughs-White will fill the appointment for the position of Jennie Busch-Kent on this Board.)

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Councilmember Phillips stated that at a Council meeting held earlier this year, Human Relations Commission representatives had presented a resolution adopted by the Commission opposing certain portions of the Patriot Act and requested that Council adopt a similar resolution. After noting that Council had asked for and

received information about this topic, he requested that Council place this item on a future agenda for Council's consideration.

After brief discussion, it appeared to be the consensus of Council that this item would be placed at the end of the May 20, 2003 City Council agenda for consideration by the Council.

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After it was noted that Council had received two requests to continue two different zoning items from May 20 to June 3, Council briefly discussed the two requests. In response to the request from Henry Isaacson, Attorney representing Portrait Homes, Councilmember Gatten moved that the rezoning matter with regard to property located on the southwest side of Horse Pen Creek Road west of Quaker Run Drive and south of the terminus of Briarbend Drive Place be continued from the May 20, 2003 Council meeting to the June 3, 2003 meeting of Council without further advertising. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

In response to the request from Steve Showfety, Koury Corporation, representing the interest of Goodwill Industries, Councilmember Gatten thereupon moved that the rezoning for a portion of the property on the west side of Battleground Avenue south of Horse Pen Creek Road and east of Four Farms Road be continued from May 20, 2003 to the June 3, 2003 Council meeting without further advertising. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

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Councilmember Johnson moved that the City Council adjourn. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 11:40 P.M.

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
